

THE
Bishop of *Winchester's*
VINDICATION

Of Himself from divers
False, Scandalous and Injurious Reflexi-
ons made upon him by Mr. *RICHARD*
BAXTER in several of his Writings.

See the TABLE on the other side of the Leaf.



Εἰ τὸ δικαίωμα φιλάνθρωπον ἴδω, ἡμοῖς τὸ αὐτὸ σωθήσεται ἐν ἔχαυρῳ, ὥστε αἱ ἀ-
κασταὶ εἶναι θεοῦ. 1 Cor. 13. 16.

London, Printed by M. Fleisher for Joanna Brome, 1683.

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The Bishop of Worcester's present Vindication
divided into six Sections

A

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For

To Mr. Baxter

For the Reverend

Mr. Richard Baxter.

Reverend Sir,

IT is now more than four years since I (being then elder than *Barzillai* was, when he made the like request to King *David*) did beg and obtain leave from the King my Gracious Lord and Master to quit my personal attendance on him at the Court in Council, and to retire into the Countrey, and to serve him there, by praying for him without distraction, or interruption; remembring that old and wise saying,

Ἐργα νῦν; σου λαί τ' ἔτιον, ἔνχαί τ' ἡγεῖται

N.B.

And withall resolving, having withdrawn my self from the encumbrance
and

To Mr. Baxter.

and noise of all Secular Affairs, to mind nothing else (besides the necessary care of mine own Diocese) but the making my self ready by God's gracious assistance for a quiet and a comfortable *Exit* out of this evil and troublesome World. The near approach whereof (by reason of my great Age) you do well to put me in mind of and I thank you for it, though you do it in such a manner as seems to imply, that you think me to have more need of such a *Memento* than one of my Age ought to have.

But then being my *unfeigned well-willer* (as in the subscription of your Address to me you tell me you are) why do you endeavour so unseasonably to withdraw me from so necessary a work (especially supposing me to have so little time left for the doing of it) which you do, *first*, by calling me to an Account for what I writ in a Letter above 18 years ago, in which you say there are *many mistakes in matter of fact*, which (if I say nothing to the contrary) will be taken for granted. And *secondly*, by your so earnestly

To Mr. Baxter.

earnestly pressing me as well as the Bishop of *Ely* (to whom you make the afore-said Address also) to tell you what we think of that which you call the *Onely true way of Concord of all Christian Churches*, and if upon Perusal thereof we are convinced it is so, to see that *Prejudice resist not*, but that we would acknowledge and confess it to be so. But this you know cannot be done without reading over and considering and examining that whole Book of yours ; nor consequently by me without taking off my thoughts from minding so much, as otherwise I might do that *Unum necessarium* which you advise me to think on, and which indeed is a much more proper employment for one so near the grave as I am, than to engage or to be engaged to Apologize for mine own, or to Censure other mens Writings.

Yet rather than to seem by my silence to acknowledge what you charge me with to be true, which I cannot without being injurious to truth it self as well as to mine own reputation ; I will in the first place vindicate my self from having made so
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To Mr. Baxter.

many, or any one so gross a mistake in matter of fact, as you say there are in my aforesaid Letter. And then, if I live long enough and have time enough to spare from better and more necessary employments, I will tell you freely and plainly what I think of the Book you address to the Bishop of *Ely* and me; I mean whether what you promise in the Title-page of it be performed in it. In the mean time wishing you *Saniozem mentem in saniori corpore*, I rest (as much as the peace and safety of the Church will permit me to be)

Your Friend and Servant,

George Winton.

TO

TO THE
READER.

NExt to the carrying of a good Conscience towards God out of the World with him, I think the next care every man ought to have, is to leave a good name or memorial of himself in the World behind him; especially if he be or have been a man of any Eminency of Place, or Office, or Order, either in the Church, or State; because, whatsoever aspersions of insanity are cast upon such mens persons, do commonly in vulgar construction reflect on their Office, and Order also, and are often by the malignancy of the Authours of them intended to do so. And therefore though we must (if it be God's will it should be so) be content, as St. Paul was, to run the race that is set before us,

To the Reader.

διὰ δυσφημίας καὶ ἐμφημίας, whether we be well or ill spoken of; yet we may and ought, as St. Paul did (and did it often) do what we can to vindicate our personal Credit and Reputation also; especially when the Credit and Reputation of our Office, or Order, is concerned in it; and more especially when we are ill spoken of publickly, and in Print, and by one that is a professed Adversary to the Church and Order whereof we are, as well as to our selves; most especially if he be the Head, or one of the heads of a very numerous Party, and therefore likely to be believed in what he says or writes of or against any one (though never so false and injurious) by many too credulous though well meaning men, if he be not publickly contradicted and confuted. This therefore being my very case in all the aforesaid particular circumstances of it; I am constrained (weak, and feeble, and old, as I am, drawing near the end of the 85th year of my age) to enter into the Lists with this great Goliath or Champion of the Non-conformists; not to defend our Church against him or them, that is too great a work for my undertaking, at this
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To the Reader.

time of day, my night being so near; when no man can work; and that work being done (thanks be to God) and done better already than I could have done it (when I was much more able than I now am:) but onely to vindicate my self, together with the honour of the Order whereof I am (though I confess myself unworthy to be so) from being guilty of such crimes, and reproaches, as it hath pleased Mr. Baxter to lay unto my charge; which may perhaps, after I am gone, be believed to be true, if they be not proved to be false before I go from hence and be no more seen. And this I had done sooner, had not some of my learned Friends and Brethren advised me not to take notice of any thing Mr. Baxter had said of me; because (as they said) his tongue is no slander, nor his pen neither; especially when he whets either the one or the other against Bishops; and because I had already long ago, both answered and prevented all the Objections he had then, or hath since made against the truth of what I had said of him in relation to the Conference at the Savoy, and of the justice of what I had done to him when I was Bishop of Worcester, which

To the Reader.

is now above 20 years ago. These persuasions, and reasons, together with the consideration of the little time I had left for better employment, prevaild with me to lay aside some few Observations and Animadversions I had begun to make upon some particulars relating to me in some of Mr. Baxter's late Writings; untill some other of my Learned and Reverend Brethren did very lately let me know, that in their opinion, I was obliged for the Churches sake, as well as for mine own, not to suffer it to be said hereafter, that a Bishop of the Church of England having been told, and told in Print, that he was a Preacher of untruths, and consequently a liar in the pulpit, a slanderer of all the Non-conformists, nay a blasphemer, or a deser not of Humanity onely, but of the Deity it self, had nothing to say, because he did say nothing, to the contrary; though I could have replied that I thought, and some others of my Reverend Brethren thought also, that the Letter I had written and printed so long ago, with the Testimony annexed to it, was enough, and more than enough, to vindicate me from the two first of those Reproaches, and to prevent the last of them also: yet be-
cause

To the Reader.

cause they have been again repeated, and because there hath been since a Book written, and written on purpose (as Mr. Baxter the Authour of it saith) to prove Bishop Morley to have been grossly mistaken in the relation he hath made in the aforesaid Letter of what was asserted by Mr. Baxter in the aforesaid Conference at the Savoy; and because it was since the writing of that Letter also, that he makes me a desier of Deity and Humanity, because I am not of his opinion, that all unlimited Governours are Tyrants, and have no right to their Governments; for these reasons (I say) and for the satisfaction of some of my friends, rather than out of any inclination of mine own, who love to be quiet and to doe mine own business; as well as Mr. Baxter doth, to have an Oar in every man's Boat, and thereby quietly to move, to disquiet both himself and others, I have adventured to launch forth once more; though I have reason to fear I may not live to finish what I have begun, nor because I foresee any difficulty at all in the work I have to doe (I mean the justifying of my self against any thing Mr. Baxter hath laid

To the Reader.

laid unto my charge) but because, humanely speaking, there is so little of the sand in the Hour-glass of my life left, which yet if it last but a month or two longer before it be run out, (with the continuance of that mediocrity of health of body and soundness of mind, which by God's great goodness and mercy I do yet enjoy) I hope it will by God's gracious assistance be long enough to make the impartial part of the world see, that Mr. Baxter is not a man of that sincerity, ingenuity or integrity, as he would be thought, (and perhaps he is by those who have his person in admiration) but one that will in to duller the judgment, to serve his turn for the present, and to keep up his reputation with his party, say or unsay, affirm or deny any thing either in matter of right or of fact, and juggle one proposition into the room of another, as if it were identically the same, or at least equipollent or equivalent to the other, when there is nothing of likeness either in sound or of sense betwixt them. Which that it may the more clearly appear, and that the impartial Reader may the better judge, both of what I have said of him, and what he hath said of me, and whether I

or

To the Reader

or he have dealt more disingenuously or injuriously with one another, I have caused all that I printed before to be reprinted, (viz.) Mr. Baxter's own report of the Conference at the Savoy, and my Letter in reply to that report of his, together with the Collection of Aphorisms out of that Book which he calls his Holy Commonwealth, and all these verbatim in the same words, without any the least addition, diminution, or alteration; onely I have added thereunto another Paper of Mr. Baxter's, which I met with since, and which he calls a Revocation or Recantation of his Book of the Holy Commonwealth or Political Aphorisms, which whether it be indeed a Recantation, or such a Recantation as it ought to have been or no, we shall examine in due place. But I have added, I say, that, because it was printed by him since the printing of what I have now reprinted, and because it is in that paper, that Mr. Baxter hath been pleased to expose me as a Desier of Deity and Humanity.

This Advertisement I thought fit to premise, and withall to desire the impartial

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Reader,

To the Reader.

Reader, first to peruse what I have reprinted, I mean Mr. Baxter's Narrative to his Kidderminster friends, and my Letter in answer thereunto, together with Mr. Baxter's Political Aphorisms annexed to that Letter, and then to take notice of the time when that Narrative of his and Letter of mine were first printed, which was 10 years before the publishing of his pretended Recantation of all or any of his aforesaid Aphorisms; and lastly when he hath done this to proceed to the perusing of what upon another provocation of Mr. Baxter's I now write to justify what I writ before, and after mature deliberation to pronounce sentence for me or against me, as he shall see cause.

* *Reader, You are desired to take notice, that this work was prepared, designed and expected to have come forth before Easter-Term last.*

* April 3.
1683.

THE,

THE
Bishop of *Worcester's*
LETTER

To a Friend
For VINDICATION of himself
FROM
Mr. *BAXTER'S* Calumny.

Together with
The ATTESTATION of
Dr. *GUNNING* and Dr. *PEARSON*:

AND
A Collection of Mr. *Baxter's* Theses and
Doctrine concerning Government. Re-
printed.

*Tenet insanabile multos
Scribendi Cacoethes*

L O N D O N,
Printed for *Joanna Brome*, 1683.

Bishop of Worcester

L. E. T. R.

For VINDICATION of himself

1801

MR. BAKER'S Charge

THE ATTESTATION of

DR. G. A. A. C. and D. B. A. C. N. Y.

AND

A Collection of Mr. B. A. C. N. Y. and

of the same name in the year 1801

printed

Mr. *Baxter* hath lately printed a Book called [*The Mischiefs of Self-Ignorance, and the Benefits of Self-Acquaintance*] in the Address of which Book to his dearly beloved the Inhabitants of *Kidderminster*, he hath this ensuing passage relating to the *Bishop of Worcester*.

IN a disputation by writing, those of the other part formed an Argument, whose Major Proposition was to this sense (for I have no Copy) [Whatsoever Book enjoyneth nothing but what is of it self lawfull, and by lawfull Authority, enjoyneth nothing that is sinfull,] We denied this Proposition, and at last gave divers Reasons of our denial; amongst which one was, that [It may be unlawfull by Accident, and therefore sinfull] You now know my Crime; it is my concurring with Learned Reverend Brethren, to give this reason of our denial of a Proposition: yet they are not forbidden to Preach for it, (and I hope shall not be) but onely I. You have publickly heard from a mouth that should speak nothing but the words of Charity, Truth and Soberness, (especially there) that this was [a desperate shift that men at the last are forced to] and inferring [that then neither God nor man can enjoyn without sin] In City and Countrey this soundeth forth to my reproach; I should take it for an act of Clemency to have been smitten professedly
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for nothing, and that it might not have been thought necessary to afflict me by a defamation, that so I might seem justly afflicted by a Prohibition to Preach the Gospel. But indeed is there in these words of ours so great a Crime? though we doubted not but they knew that our Assertion made not Every Evil Accident to be such as made an imposition unlawfull, yet we expressed this by word to them at that time, for fear of being misreported: and I told it to the Right Reverend Bishop when he forbade me to Preach, and gave this as a reason: And I must confess I am still guilty of so much weakness, as to be confident that Some things, not Evil of themselves, may have Accidents so Evil, as may make it a sin to him that shall command them. Is this opinion inconsistent with all Government? yea I must confess myself guilty of so much greater weakness, as that I thought I should never have found a man on Earth, that had the ordinary reason of a Man, that had made question of it; yea, I shall say more than that which hath offended (*viz.*) That whensoever the commanding or forbidding of a thing indifferent is like to occasion more hurt than good, and this may be foreseen, the commanding or forbidding it is a sin. But yet this is not the Assertion that I am chargeable with, but that [Some Accidents there may be that may make the Imposition sinfull] If I may ask it without accusing of others, how would my Crime have been denominated if I had said the contrary? should I not have been judged unmeet to live in any governed Society? It is not unlawfull of it self to command out a Navy to Sea: but if it were foreseen that they would fall into the Enemies hands, or were like to perish by any Accident, and the necessity of sending them were small, or none, it were a sin to send them. It is not unlawfull of it self to sell Poyson, or give a knife to another, or to bid another to do it; but if it were foreseen that they will be used to poyson or kill the buyer, it is unlawfull; and I think the Law would make him believe it that were guilty. It is not of it self unlawfull to light a Candle, or set fire on a straw; but if
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it may be foreknown, that by another's negligence or wilfulness it is like to set fire on the City, or give fire to a train or store of Gunpowder that is under the Parliament House, when the King and Parliament are there, I crave the Bishop's pardon for believing that it were sinfull to doe it, or command it; yea or not to hinder it (in any such case) when Quimon vetat peccare cum potest, jubet, yea though going to God's publick worship be of it self so far from being a sin, that it is a Duty, yet I think it is a sin to command it to all in time of a raging Pestilence, or when they should be defending the City against the assault of an Enemy, it may rather then be a duty to prohibit it. I think Paul spake not any thing inconsistent with the Government of God or man, when he bid both the Rulers and the People of the Church, not to destroy him with their meat for whom Christ died: and when he saith, he hath not his power to destruction, but to edification; yea there are evil Accidents of a thing, not evil of it self, that are caused by the Commander: and it is my opinion that they may prove his Command unlawfull.

But what need I use any other instances than that which was the matter of our dispute? Suppose it never so lawfull of it self to kneel in the Reception of the Sacrament, if it be imposed by a penalty that is incomparably beyond the proportion of the offence, that penalty is an Accident of the command, and maketh it by Accident sinfull in the Commander. If a Prince should have Subjects so weak as that all of them thought it a sin against the example of Christ and the Canons of the General Councils, and many hundred years practice of the Church, to kneel in the Act of Receiving on the Lord's day, if he should make a Law that all should be put to death that would not kneel, when he foreknew that their Consciences would command them all, or most of them to die rather than obey, would any man deny his command to be unlawfull by this Accident? Whether the penalty of ejecting Ministers that dare not put away all that do not kneel, and of casting out all the people that scruple it, from the Church

Church, be too great for such a circumstance (and so in the rest) and whether this, with the lamentable estate of many Congregations, and the divisions that will follow, being all foreseen, do prove the impositions unlawfull which were then in Question, is a Case that I had then a clearer call to speak to, than I have now; onely I may say, That the Ejecting of the Servants of Christ from the Communion of his Church, and of his faithfull Ministers from their Sacred Work, when too many Congregations have none but insufficient, or scandalous Teachers, or no Preaching Ministers at all, will appear a matter of very great moment in the day of our accounts, and such as should not be done upon any but a necessary cause, where the benefit is greater than this hurt (and all the rest) amounts to.

Having given you (to whom I owe it) this account of the cause for which I am forbidden the exercise of my Ministry in that Countrey, I now direct these Sermons to your hands, that seeing I cannot teach you as I would, I may teach you as I can: And if I much longer enjoy such Liberty as this, it will be much above my expectation.

The

*The Bishop of Worcester's Letter to a
Friend for Vindication of himself
from Mr. Baxter's Calumny.*

S I R,

I Have received that Letter of yours, whereby you inform me that Mr. *Baxter* hath lately written and printed something with such a reflexion upon me, that I am obliged to take notice of it.

I thank you for your care of my Reputation, which next to Conscience ought to be the dearest of all things to all men, especially to men of my Profession and Order, who the more they are vilified (whether justly or unjustly) the less good they will be able to doe, especially amongst those that have industriously been prepossessed with prejudice either against their Persons or their Functions. This was St. *Paul's* Case, when there were some that did what they could to make the *Corinthians* to undervalue his Person, that thereby they might discredit his Doctrine, and weaken his Authority, whom therefore he thinks he may without breach of Charity call *False Apostles and Deceitfull Workers*. Nay this was our Saviour's own Case, who, whilst he lived here upon the Earth, was ever and anon traduced and slandered by the Scribes and Pharisees, those proud Hypocrites, who were the grea-

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2 *The Bishop of Worcester's Letter*

test pretenders to Holiness, and yet the greatest Seducers of the people, and the grossest falsifiers of God's Word, that ever were in the world, untill these our times, which have brought forth a generation of men (St. John Baptist would have called them a *Generation of Vipers*) who in the Art of holy juggling and malicious flandering have out-done the Pharisees themselves and all that went before them; witness their so often wresting and perverting the Scripture in their Sermons to stir up the people to Sedition, and their as often Libelling the King in their Prayers, in order to the making of his Subjects first to hate him, then to fight against him, and at last to take away his Crown and his Life from him. And is it any wonder that those that are such enemies to Kings, should not be friends to Bishops? or that one (who had done what he could to make the late King odious unto his People) should doe what he can likewise to make the Pastour odious unto his Flock? to his Flock, I say; For it is the *Bishop of Worcester*, and not Mr. *Baxter* that is Pastour of *Kidderminster*, as well as of all other Parochial Churches in that Diocese; neither did I or any other *Bishop of Worcester*, ever commit the Care of Souls in that, or any other Parish of that Diocese to Mr. *Baxter*, though by that Preface of his to those of *Kidderminster*, he would make the world believe, that they were *his* Flock, and not *mine*, and that therefore he hath the more reason to complain of my defamation of him (as he calls it) in that place and before that people: whereas the truth is that Mr. *Baxter* was never either *Parson*, *Vicar*, or *Curate* there or any where else in my Diocese; for he never came in by the *Door*, that is, by any legal right or lawfull admission into that Sheepfold, but climbed up some other way, namely, by violence and intrusion, and therefore by Christ's

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own inference he was a *Thief* and a *Robber*; and indeed he did *Rob* him that was then, and is now again the lawfull *Vicar* of that Church; he *Robbed* him, I say, first of his *Reputation* amongst his Flock, and then of his *means* and *maintenance*, by taking away ¹ the *Fleece* as well as the *Flock* from him; though (as Mr. *Baxter* himself hath confessed to me) *He be a man of an unblameable life and conversation, though not of such parts* (said Mr. *Baxter*) *as are fit to qualifie him- for the Cure of so great a Congregation*; which whether it were so or no, I am sure Mr. *Baxter* was not to be the Judge; but in that Case the Bishop that was then living should and would have provided him a Coadjutor, as I have done since, and such an one, as I hope will feed that Flock with much more wholesome Doctrine than Mr. *Baxter* did, when he sowed the Seed of Schism and Seditious, and blew the Trumpet of Rebellion amongst them. For which cause I thought it my Duty (*as being their Pastour in Chief*) not onely to forbid Mr. *Baxter* to Preach there any more, which, by the way, he had done without my Licence; but likewise to Preach there my self, and to doe what I could to undeceive that poor seduced and miserably deluded People; which was not to be done, as long as they had the person of their *Seducer* in so great admiration; and therefore by the example of *St. Paul*, who in order to the same end, did take the same course with *Alexander* the Copper-smith, with *Demas*, *Philetus* and *Hymeneus*; as likewise by the example of Christ himself, who in order to the same end, did take the same course with the Scribes and Pharisees, I thought it necessary to let them know *that one that was of great authority amongst them* (meaning indeed, though not naming Mr. *Baxter*) *was not the man they took him for; that he had not dealt faithfully with them,*

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*nor preached the word of God sincerely to them, when he made them believe it was lawfull for them to take up Arms against the King, nor in suffering (if not making) them to scruple at those things as unlawfull, which he be himself confesses to be lawfull; and afterwards making use of those scruples of theirs (which he himself had infused into them, or not endeavoured to take from them) as the onely argument why those things they did so scruple at should not be enjoyn'd by lawfull Authority, though lawfull in themselves, because forsooth, the enjoining of things lawfull by lawfull Authority, if they may by Accident be the occasion of sin, is sinfull; which assertion of his (as I then said, and must still maintain) is destructive of humane Society in taking away the Authority of Commanding and the Obligation of Obeying, together with the whole Legislative Power, Civil as well as Ecclesiastical, and Divine as well as Humane. And thus much (as Mr. Baxter himself saith) I told him before in mine own House, neither did he then deny the assertion, or endeavour to disprove what I inferr'd from it, by any of those distinctions or instances he now useth. And that this is true the Reverend Dr. Warmstry, now Dean of Worcester, will witness for me, whom I desired to be by whilst I conferr'd with Mr. Baxter, foreseeing what misreport a man of Mr. Baxter's principles and temper was like enough to make of what should pass betwixt us. And it was very well I did so; for I find that the Presbyter as well as the Papist will serve themselves, as often as they are put to it, of their *piæ fraudes*, or holy artifices, of speaking more or less than the truth, as it makes more or less for their purpose or advantage; as likewise of putting *non causam pro causa*, or a part and a less principal part of the cause for the whole cause. For who would*

would not think that knows not Mr. Baxter, that when he tells his Disciples of *Kidderminster*, *Tou now know my Crime*, with reference to the aforesaid assertion, and to that onely, who would not think, I say, that either there was nothing else objected against him, or at least nothing of moment, or that could be any just and reasonable cause of my forbidding him to Preach in my Diocese? especially when he adds that the *Right Reverend Bishop* gave him this as a reason for his forbidding him to Preach; where if he means that the *Bishop* gave him this as the onely, or the principal reason, he speaks without truth, and against his Conscience; for the first and principal reason the *Bishop* gave him for his forbidding him to Preach, was (as he well knows, and as the *Dean of Worcester* will witness against him) *His Preaching before without Licence, having no Cure of his own to Preach to*; whereunto when he replied, *I had promised to give him such a Licence as the Bishop of London had given him, viz. Quàm diu se bene gereret, & durante beneplacito*, I rejoin'd, *That it was true indeed, I had once promised to give him such a Licence, but withall, that it was as true, that first I had never promised to give him a Licence, if he took it before I gave it him; and that for this presumption of his, I had now forbidden him to Preach any more.* Secondly, *That I knew more of him since than I did at that time; for, first, I had been credibly informed, that he had abused the Bishop of London's favour by preaching factiously, though not in the City, yet in the Diocese of London, and I named the place to him: Secondly, that since that promise of mine (which cannot be supposed to be other than Conditional) I my self had heard him, at a Conference in the Savoy, maintaining such a Position as was destructive to Legislative Power both in God and Man* (meaning the Assertion

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tion before spoken of, viz. *That the enjoining of things lawfull by lawfull Authority, if they might by Accident be the cause of sin, was sinfull*) which Assertion of his with the horrible consequences of it, I told him then at Worcester, I had formerly told him of at the Savoy openly, and before all the Company that was at the Conference; whereunto all that he replied at my second telling him at Worcester, was, *that he had used some distinctions to salve that Assertion from those consequences*; but what those distinctions were he did not then mention, (as Dr. Warmstry can witness) though in this printed Address of his to his Friends of Kidderminster, he saith, *he did tell the Bishop in what a limited and restrained sense he and his Brethren understood that Assertion*; which whether they did or no, will appear by and by, when we shall more nearly examine his printed Narrative as to that particular. In the mean time, though I said indeed that one that held and was likely to teach such Doctrines, was not to be suffered to Preach unto the People, yet this was not then alledged by me as the cause or crime for which I had forbidden him to Preach, (for that, as I said before, was *His presuming to Preach without a Licence*) but onely as a reason why I should have thought my self not obliged by the promise I had formerly made him, to give him a Licence, though he had not otherwise forfeited his claim to that promise by preaching without, or before he had it. Lastly, He might have remembred another reason I gave him why I could not have made good that promise, namely, *those Principles of Treason and Rebellion publickly extant in his Books, which I had not taken notice of till after the making of that promise, and which till he should recant in as publick a manner, I thought my self obliged in Conscience not to suffer him to Preach in my Diocese*; where-

whereunto his answer was, *That whatsoever he had said or done in that kind, was pardoned by the Act of Indemnity: True, said I, so far as the King can pardon it, that is, in regard of its corporal punishment here in this world, but it is God that must pardon the guilt or obligation to punishment in the world to come, which he will not without repentance, and it is the Church that must pardon the scandal, which she cannot doe neither without an honourable amends made her by publick Confession and Recantation.* I could tell Mr. Baxter in his ear likewise, that in excuse of his rebellious Principles formerly published, he said, *That now the Parliament had declared where the Sovereign Power was, he should acknowledge it and submit to it,* as if the King owed his Sovereignty to the Declaration of a *Parliament*, which is as false as rebellious, and as dangerous a Principle as any of his former: however by what hath been said, it appears that Mr. Baxter meant to impose upon his credulous Friends at *Kidderminster*, and upon his unwary Readers, by making them believe that was the onely cause for which the *Bishop* forbad him to Preach, which was neither the onely, nor the principal cause, why the *Bishop* did so, nor indeed, to speak properly, any cause of it at all; for the onely proper cause for which the *Bishop* forbad him to Preach, was *His preaching before without the Bishop's Licence*; the other which he pretends, together with the third which he conceals, were properly and professedly the causes why the *Bishop* would not take off that Prohibition, or why he would not give him a Licence to Preach for the future, either at *Kidderminster*, or in any other place of his Diocese, untill he should publicly retract that Position which he had openly asserted at the Conference, and should publicly renounce likewise those seditious and rebellious Principles which are published
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in his Books. And this is the truth, the whole truth, and nothing but the truth of what passed betwixt me and Mr. *Baxter* at *Worcester*, before I preached at *Kidderminster*, where whether I defamed him, or he, by saying so, hath not grossly defamed me, will appear by that which follows; wherein that I might neither be deceived my self, nor deceive others, I have not trusted to my own memory onely, as Mr. *Baxter* saith he doth to his, but I have consulted with Dr. *Gunning* and Dr. *Pearson*, two of the three that managed that Conference with Mr. *Baxter* and his *Assistants*, and have seen that Assertion in the same sense that I object it, and Mr. *Baxter* disclaims it, affirmed by Mr. *Baxter* himself under his own hand.

I found Mr. *Baxter* at the *Savoy* engaged in a Dispute, and I perceived that to keep himself off from that part of the Argument which would press near to the merits of the Cause, he had often affirmed in his *Answers*, *That the Command of a most lawfull Act was sinfull; if that Act commanded might prove to any one a sin per accidens.* This Assertion I did then and there presently and openly lay to his charge; and when he denied it (as it was most frequent with him immediately to deny what he had before affirmed) the answers which he had delivered written with his own hand were produced, and upon the reading of them, the justice of my charge was most apparent; whereupon I urged him farther, that this Assertion of his was not onely false, but destructive of all Authority Humane and Divine, as not onely denying all power to the Church of making Canons Ecclesiastical for the better ordering and governing of the Church, but also taking away all Legislative Power from the King and Parliament, and even from God himself: I delivered at the same time my reason for what I said, which

which was briefly this, because there can be no Act so good of it self, but may prove *per Accidens*, or by Accident, a sin; And therefore, if to command an Act which may prove *per Accidens* a sin, be a sin, then every Command must be a sin. And if to command be a sin, then certainly God can command nothing, because God cannot sin; and by the same reason, Kings, Parliaments and Churches ought not to command any thing, because they ought not to sin.

Thus far I then charged Mr. *Baxter*, and to this Charge he gave then no satisfaction. Neither can I yet conceive it possible to give any satisfaction, but by one of these two ways, either by proving that the Assertion, with which I charged him was never his, or by shewing that the consequence I urged, is not good; neither of which was he then able to doe: and by what he hath now been pleased to publish, it is more than probable that he can never perform either of them.

For in his bold, but weak Apology, he doth not so much as pretend to shew any Invalidity in my Inference, and for the Assertion with which I charged him, he denies it so poorly, and goes about to prove another instead of it so manifestly, that he may without any injury be interpreted to yield it. He saith indeed now, *That he told us that his Assertion made not every Evil Accident to be such as made an Imposition unlawfull.* But whether he ever said so before this time or no, it was then clearly proved that he did assert, *That an Act for nothing else, but because it might be per Accidens a sin, could not be commanded without sin.*

And now in his publick Appeal, he hath taken a strange way to wipe off all this, for he makes a very brief Narration, and most notoriously imperfect, and then says, *You know my Crime*, as if that were all that had been, or could be objected against him. Besides,

in the relating of this short Narrative, he relies wholly upon his own memory ; not so much as endeavouring to satisfie himself, before he presumed to satisfie others. How his memory may be in other things I know not, in this if it hath been faithfull to him, he hath been very unfaithfull to others. He relates an Answer in what terms he pleaseth, and brings one Proposition, as made by his Opponents in what terms he thinks fit, and the Application of this answer to that Proposition he propoundeth as all his Crime ; whereas his Answer was far more largely given, and that to several Propositions in several Syllogisms, of which the Proposition which he relateth was but one, or rather none ; so that he hath most shamefully abused his Disciples at *Kidderminster*, with a short and partial Narrative of his Fact.

As for his *Concurring with Learned Reverend Brethren* (which he would pretend to be part of his Crime) and his invidious insinuation, *That they are not forbidden to Preach for it, though he be*, the reason is clear. He had often delivered this Assertion before the Company, his Brethren had not ; the words of the Answer were written with his hand, not with his Brethrens. His Brethren had several times declared themselves not to be of his Opinion (as particularly when he affirmed *That a man might live without any actual sin*). And therefore we were so just as not to charge them with this Assertion ; especially considering they did shew themselves unwilling to enter upon this dispute, and seemed to like much better another way tending to an amicable and fair compliance, which was wholly frustrated by Mr. *Baxter's* furious eagerness to engage in a Disputation.

All his Discourse which followeth (after his imperfect Narrative) in justification of himself, is grounded first, upon a misreporting of his own Assertion ; secondly,

condly, upon the dissembling of the several Propositions, to which his Answer was so often applied; thirdly, upon his pretending *That he says more now, than that which had offended formerly*; which is most palpably false, and in all probability (if he have any memory) against his own Conscience. And this will presently appear by the vanity and impertinency of all those specious instances which he brings to mollifie his Assertion.

To Command a Navy to Sea (he says) *is lawfull, but if it were foreseen that they would fall into the Enemies hand, or were like to perish by any accident, it were a sin to send them.* Is this more than he said before, or is it any defence of his Assertion at all? It is not certainly, because the Opponents had put it expressly in the Proposition; *That the Act in it self lawfull, was to be supposed to have nothing consequent, which the Commander of it ought to provide against*; and yet being so stated, Mr. Baxter affirmed, *That if the Act might be per Accidens sinfull, the Commanding of it was sin.* Now certainly the falling of a Navy into the Enemies hand, or the perishing of it any other way, *if foreseen*, ought to be provided against by the Commander; whereas Mr. Baxter's answer did import, *That if any Prince did Command a Fleet to Sea, though he did not foresee the Fleet would fall into the Enemies hand, or perish any other way, yet if by Accident it miscarried that or any other way, which he could not foresee, or were not bound to provide against, the very Command at first was sin.*

The same reason nullifies his instances of the *Poison*, and the *Knife*, because the sin in selling them supposeth the murder of the buyer to be foreseen, and consequently that the seller ought to prevent it; but if he will speak in correspondence to his former Answer, he

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must shew, that though the seller do not foresee that the buyer will use the Poison or the Knife, to his own, or any other man's destruction, yet if by any Accident or mistake, either the buyer, or any other perish by the Poison or the Knife, the seller is guilty of his death.

His instance of *setting a City on fire, or putting Gunpowder under the Parliament House when the King and Parliament are there*, is of the same nature, and needs no addition of answer but onely this, that Mr. *Baxter*, in a sense too true, hath been very instrumental in setting the City on fire, and in adding powder to the Parliament.

The rest which follows betrays the same weakness, because the inconveniences are urged *upon a Duty to prohibit them*, and his Answer did charge the Command with sin in respect of such Accidents, as it was no part of the Commander's Duty to provide against. It is therefore most certain, that no one of those instances singly, nor all of them jointly have any force in any measure to justify that Assertion which Mr. *Baxter* did maintain, and whereof he is accused.

As for that last instance, *which was* (saith he) *the matter of the Dispute*, and which he urgeth in this manner, (*Suppose it never so lawfull of it self to Kneel in the reception of the Sacrament, if it be imposed by a penalty, that is incomparably beyond the proportion of the offence, that penalty is an Accident of the Command, and maketh it by Accident sinfull to the Commander*) he is manifestly guilty of a double falsification: First, in pretending the matter in dispute, *was the imposition of kneeling at the Communion*; when this very matter was expressly rejected in the very beginning of the Dispute, as belonging to the *Canons*, not the Common-Prayer-Book, the lawfulness of which *Canons* the Commissioners had no authority to debate, and Mr. *Baxter* knows, that his

his Argument was denied upon that ground. The second falsification is yet greater, in urging the penalty to make the Command sinfull, when his Answer did charge the Command with sin, without any relation to the punishment; and when the Proposition he replied to was so framed, that all unjust penalties were *in terminis* expressly excluded, even then I say he charged the Command of a lawfull Act with sin, if it were otherwise by Accident sinfull; though by the way I must not grant that the penalty imposed by the Law for not kneeling at the receiving of the Sacrament (namely the not admitting of such as will not kneel, at the receiving of it) *is incomparably greater than the offence*; for the greatness of the offence in such cases, and as it stands in relation to such or such a penalty appointed for it, is not to be measured by the Quality of the Act considered in it self, but by the more or less mischievous consequences it is likely to produce, if men be not restrain'd from such an Act by such a penalty; for example, when a Souldier is hang'd for stealing of a Hen, or for taking away any thing of never so little a value, without paying for it, no wise man will blame the *General* for such a severity; because if he did not doe so, every one would take what he pleased, which would discourage the Country from bringing in provisions, and consequently the whole Army would be ruin'd. And as the Martial, so the Civil and Ecclesiastical Laws likewise in commanding or forbidding any thing under such or such a penalty, have an eye not so much to the merit of the Action it self, as to the more or less danger of the Publick in the consequences of it; whence it comes to pass, that a less evil may sometimes most justly be forbidden under a more severe penalty than a greater, because the former may be of much more dangerous consequence than the latter; so that
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he that will judge rightly, and impartially of the equity or iniquity of appointing or inflicting such or such a penalty, he must not so much consider the quality of the Transgression singly in it self, nor whether it be from weakness, or wilfulness in the party transgressing (as he is this or that individual person) but rather he must consider what the *Consequence* would be of the breach of such a Command if it were not prevented by such a penalty, (always supposing the Command it self to be lawfull, and that the transgressor of it is to be considered as he stands in relation to that whole Body, whether Civil, or Ecclesiastical, whereof he is a part;) and that the whole is not to be endangered out of tenderneſs and indulgence to some particulars, as evidently it would be, if every man were left at liberty to doe what seem'd best in his own eyes, even in the Ceremonials and Circumstantialſ of God's Worship; for considering the pride and self-love that is in humane nature, which makes men so overvalue their own practices and their own opinions, that they are always apt to undervalue those that will not conform to them, as it always hath been, so it always will be; he that worshippeth God one way, will either judge or condemn him that worshippeth God another way; he that *Kneeleth* at the Sacrament, will be thought to be Idolatrous or Superstitious by him that *Kneeleth not*, and he that *kneeleth not* will be thought wilfull, or weak, by him that *kneeleth*. And thus from diversity grows dislike, from dislike enmity, from enmity opposition, and from opposition, first Separation and Schism in the Church, and then Faction, Seditiſon and Rebellion in the State; which is a progress very natural, and I would we had not found it to be so by our own experience; for as the safety of a State depends upon the safety of the Church, so the safety of the Church depends upon
Unity,

Unity, and Unity it self depends upon Uniformity, and Uniformity there cannot be, as long as there is diversity or divers ways of Worship in the same Church, which will be always, unless it be lawfull for publick Authority to oblige all particulars to one way of publick Worship, and that under such penalties, as the Law-givers shall think necessary to prevent the disturbing of the publick peace and safety ; the preservation whereof being the main end of all Laws, and of all penalties appointed by Law, those practices that are either intentionally or consequentially destructive to this End, may be, and no doubt ought to be restrain'd by severe penalties. It is not therefore the *not kneeling* at the Sacrament, but the *breaking* of the *Orders* of the Church, and the endangering of the Peace and Safety of the whole, which our Laws punish by not admitting such unto the Sacrament, as will not, or perhaps dare not kneel at it ; for as they will not endanger the Peace of their Consciences for the Churches sake ; so it becomes the Law-givers not to endanger the Churches and the States Peace for their sakes : And surely when there is a necessity of the yielding of the one or of the other, it is much more reasonable that a part should yield unto the whole, than the whole unto a part, especially when the whole cannot yield without endangering it self, and with it self even those themselves also, that, will they nill they, must be involved in the ruine of it ; as the *Presbyterians* have found by their own experience also, who by their groundless and needless separation from us, have given example and ground enough for others to separate from them, till by dividing and subdividing from one another, there was nothing of Uniformity, or unity, or order, or decency left in that Church, which was formerly (and I hope by the Prudence and Piety of Publick Authority will be now again)

again) the Glory and Pattern of all other Protestant and Reformed Churches in the world; of which, by the way, there is not one which doth not use as great severity for the preserving of Unity by Uniformity as we do, even in this particular; for do not the Protestant Churches in *France* enjoyn *Standing*, the Churches of *Holland*, *Scotland*, and the Churches of *Germany* that follow *Calvin* enjoyn *Sitting*, and the Churches that follow *Luther* there and elsewhere enjoyn *Kneeling* as we do, and all of them upon the same penalty of not receiving it otherwise? And is it not as lawfull for our Church, as for all other Protestant, and all other Christian Churches, to require of her Children the like conformity to her Laws under the like penalty for the same end, and to prevent the same danger? *Yes* (replied Mr. *Baxter* when this question was ask'd him) *just as lawfull*, that is, *not lawfull at all, such an injunction upon such a penalty being sinfull, wheresoever and by whomsoever it is enjoyed.* O happy *England*, that hath such an *Aristarchus* as is worthy to censure all the Churches of the world, whose Catholick practice (if it cross Mr. *Baxter's* opinion) must presently without more adoe be Condemn'd as sinfull, and all the world must be Lyars rather than Mr. *Baxter* must not be justified in his sayings. You have before seen the ingenuity and veracity, you now see the humility and the modesty of the Man; and indeed in proportion, of the whole Party, for *crimine ab uno,—Disce omnes.* But doth Mr. *Baxter* and the rest of his perswasion think indeed, that it is so great and grievous a punishment to be kept from the Sacrament when men will not receive it in that way and upon those terms that the Church offers? if they do, why then do they deny it to so many that hunger and thirst after it, whensoever either by reason of Age, or Lameness, or Sickness, or some other

other bodily infirmity they cannot come to Church for it? especially when the Catholick Church in the Twelfth Canon of the first General Council commands it be given even to those that are Excommunicate, if they desire it when they are *in Extremis*, or going out of the world. Secondly, why have they suffered so many whole Parishes in *England* under their charge to have been without a Communion so many years together, as I am credibly informed they have? Thirdly, why do they reject those from the Sacrament, that will not come before hand to them to be examined by them, there being neither precept nor practice in the Gospel, nor Canon in the Church, either to warrant them to require it, or to oblige the People to submit to it upon any such penalty? I am sure St. *Paul* when he chides those of the Church of *Corinth* for coming ignorantly to the Sacrament, and for behaving themselves profanely at the Sacrament, that which he prescribes for avoiding the same or the like faults for the future, is not that every man should come, and be examined by the Minister, but that *every man should examine himself before he eat of that Bread and drink of that Cup*; And yet I will not deny but that every man before he Communicates ought to be well Catechis'd and instructed by the Minister, and thereby enabled to examine himself the better; nor will I deny neither but that every man may and ought in case of scruple of Mind or trouble of Conscience to advise with, and to be advised by him that hath the cure of his Soul; but that every man as often as he intends to receive the Sacrament should be obliged under the penalty of being rejected from it, to come and to be examined by the Minister, this is that which I utterly deny, and which I take to be the same thing in other words with that of *Auricular Confession*; so that they who exact the one, have no reason to con-

demn the other, unless it be because they would ingross it wholly unto themselves: Howsoever, if refusing the Sacrament to those that will not kneel, when the Church enjoins it, be a penalty so far transcending the offence, how much more must the same penalty transcend the offence, when there is indeed no offence at all? for where there is no Νόμος, there can be no Ἀνομία, where there is no Law there can be no Transgression, and consequently there being no Law of God nor Man that requires all Communicants to be pre-examined by the Minister, those that are refused the Sacrament because they will not be pre-examined, are punished with the same punishment which they complain of, for no offence at all. And therefore *Si maxime digna essem* (may our Church say) *ista contumelia, indigni vos, qui faceretis tamen*; for, *Who art thou, O Man, that judgest another?* nay, that judgest thy Mother, *when thou doest the same*, or worse, *things*, than those are for which thou condemnest her? And how can any man of reason be so scrupulous, as to quit his

α Calling, rather than deny the Sacrament to those that will not receive it kneeling, when the Church commands it should neither be taken nor given otherwise, and yet make no scruple at all of denying it to whole Parishes? of denying it to those that cannot come to Church for it, though desirous of it, and qualified for it, and such as have most need of it to strengthen their

β Faith in their last Agony? and lastly, of denying it to such as refuse to be pre-examined by them, and all this without any command or warrant from God's Word, and contrary to the Command and Custom of God's Church? whereby it plainly appears, that either they do not think the receiving of the Sacrament of so great importance, as indeed it is, nor the denying of it so great an injury or punishment as they pretend it to be;

or

or else that they would have every Minister to be a Monarch or Sovereign Law-giver in his own Parish, — and this indeed is that they would fain be at, now they have lost their hopes of governing the whole Kingdom; for you see by what Mr. *Baxter* adds, that if they may not be suffered to give or deny the Sacrament to whom they please, and in effect to doe what they list in their own Parishes, they threaten to quit their Stations, which he calls *being Ejected because they dare not put away all that will not kneel at the Sacrament*: And this menace they often repeat upon all occasions, as if they were the onely men that could carry on the work of the Lord; or as if the Church must needs sink and perish, if it wanted such Pillars as they are to uphold it. But (thanks be to God for it) the Church of *England* is not yet (notwithstanding all their endeavours to that purpose) reduced to so very ill a condition, that she cannot subsist without them; whereas the truth is, she cannot subsist with them, as long as they continue to be what they have been, the sowers and fomenters of Schism in the Church, and Sedition in the State; and as long as they continue to doe as they have done in humouring, and hardning, and confirming the people in their obstinate standing out against the lawfull commands of their Superiours; which they would never have done at all, if these men had not at first infused into them these scruples. And therefore as God asked *Adam* and *Eve*, *How came ye to know that ye are naked?* so if I should ask those poor Souls whom those sly and subtile Serpents have beguiled and seduced, *How came ye to know that ye shall sin against God if ye obey the Orders of the Church in general? or particularly how came ye to know, That it is against the Canons of the General Councils, and many hundred years practice of the Church to Kneel in the Act of re-*

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ceiving? Did ye or can ye your selves reade those General Councils? Did ye or can ye examine so many hundred years practice of the Church as Mr. *Baxter* speaks of? What answer can they make to these demands, but that which *Eve* made unto God? *The Serpent beguiled me, and I did eat*; Mr. *Baxter*, or some such Godly and Learned men as Mr. *Baxter* is, did tell us so, and we believed them: But what if Mr. *Baxter* do not believe that himself which he would have you believe? For first he would have you believe that there is great reverence and respect to be given (as indeed there is) to the Canons of *General Councils*, and to the *Catholick practice* of the Primitive Church; but doth he himself believe this? if he do, why did he so furiously oppose that which all General Councils approve of and confirm? I mean the Government of the Church by *Bishops* in the sense wherein it is asserted and practised in our Church? Or why did he persuade Subjects to take Arms against their *Sovereign*? which he knows to be contrary to the Doctrine and practice of the Primitive Christians for many hundred years more than he speaks of. Secondly, Mr. *Baxter* would have you believe, that Kneeling at the receiving of the Sacrament is forbidden by *General Councils*, and contrary to the custom and *practice* of the Ancient Church, which I am afraid he doth not believe himself; I am sure there is no convincing reason to make him believe it; for it is not the Ancient Churches injunction to stand when they prayed betwixt *Easter* and *Whitsontide*, that will prove they were forbidden to Kneel when they received; especially if the *Presbyterian* opinion be true, that we are not to be in the *Act of Praying*, when we are in the *Act of receiving*; But if we may pray (as no doubt we may and ought to pray) in the *Act of Receiving*, then supposing the Ancient Injunc-

Injunction of the Church to stand at Prayer upon Sundays betwixt *Easter* and *Whitsuntide* to be still in force, yet all the rest of the year we are to kneel when we Pray, and consequently when we Receive, though there were no particular command of our own Church for it. Besides, Mr. *Baxter* knows that the aforesaid Injunction of the Church was but Temporary, till the people were sufficiently confirmed in the Doctrine and Belief of the Resurrection; for if it had been of perpetual obligation, and were still in force, Mr. *Baxter* must needs condemn the whole present Church of God for kneeling when they pray betwixt *Easter* and *Whitsontide*, and particularly he must most of all condemn himself and the *Presbyterians* of *England*, for not standing when they receive, if at least that Injunction be to be understood of Receiving, as well as Praying; which if it be not, then is it urged by Mr. *Baxter* against us to no purpose, as indeed it is; And therefore no doubt Mr. *Baxter* doth not believe himself what he would have others believe, when he presseth that occasional temporary injunction of the Church for *standing* against *kneeling*; which if it be of force, must needs condemn his own practice of *sitting*, as well as ours of *kneeling*. The like may be said of Christ's example alledged by him also; for would he, or would he not have his Disciples believe that they are obliged to do as Christ did? if he would not have them believe so, why doth he press them with Christ's example? if he would have them believe so, I demand again whether he doth believe it himself or no? if he do not, it is plain he is a Seducer of the *People*; but if he do believe it, he must needs condemn the *French Presbyterians* for *standing*, as well as the *English Protestants* for *kneeling*; nay he must needs condemn himself and all other Christians in the world for not doing as Christ did in point
of

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of time, I mean for not giving and receiving the Sacrament in the Evening as Christ did, as well as he condemns us for not doing as Christ did in point of gesture; unless he can prove (which I think he cannot) that we are of necessity to follow Christ's example in one circumstance of the same action, and not in another, and in that circumstance which is less, but not in that which is more material; for certainly that circumstance which denominates the action (as the circumstance of time doth the Lord's Supper) is most material; and yet that circumstance by the consent of all

N.B. Christendom is altered from the Evening to the Morning, and so was the gesture or posture of receiving also, and that upon most just and weighty reasons, till those that delight in change would needs have it otherwise, and that perhaps for no other reason but because they found it settled in the Church: This is not to follow Christ's example, who in things indifferent in their own nature conform'd his practice to that of the Church in which he lived, though varying in some circumstances from the Primitive Institution; and particularly in this very action, from which they press us with Christ's example. For it is certain that Christ and his Disciples sate at the Passeover, (though it be uncertain whether he or they sate at the giving and receiving the Sacrament or no, for it was μετὰ τὸ δεῖναι, *after he had supped*, saith the Text, Luke 22. 20.) Howsoever it is certain, I say, that Christ and

α his Disciples sate when they ate the Passeover, and this no doubt was according to the custom of the Jewish Church at that time; but it is as certain that this was not the manner according to the first Institution of it,

β which was to eat it *standing*, as you may reade, *Exod.* 12. 11. So that to urge Christ's example against us, is to urge Christ's example against himself; for as we conform

conform our selves to the Churches order and custom /
of our times, in receiving the Communion otherwise
in point of gesture, than perhaps it was received at the
first Institution; so Christ and his Apostles conforming
themselves to the order and practice of the Church of 2
their times, did celebrate the Passeeover otherwise than
according to the first Institution it was to be celebrated
in point of gesture also; thereby perhaps intending to
teach us, that as long as the Essentials of Doctrine and
Worship (which are unalterable) are preserved, we are
not to separate from the Church, or quarrel with our
Superiours, if those things that are in their own nature
alterable, be not always and in all places just the same
that they were at first; because there may be very just
cause for the alteration of them; and whether there be
such a cause or no in this and the like particulars, it is
the Church that is to be the Judge. So that there is
nothing that can be collected either from the Canons of
the Councils, or from the practice of the Primitive
Church, no nor from Christ's own example, that can
prove Kneeling at the Sacrament to be a sin; neither
doth Mr. Baxter himself believe it to be sinfull, for if
he did, he would not say (as he does, Pag. 411. of his
Five Disputations) *that he himself would kneel rather
than disturb the Peace of the Church, or be deprived of
its Communion.* In which words he confesseth, First, 1.
that Kneeling at the Sacrament is not sinfull or unlaw-
full, Secondly, that not to Kneel when it is imposed, 2
is to disturb the Peace of the Church; and, Thirdly, 3
that the imposing of it upon penalty of being deprived
of the Communion, is an effectual means to make those
that otherwise would not kneel, to conform to it; and
consequently that the imposing of it upon such a penal-
ty is prudent and rational, and whatsoever is prudent
and rational cannot be unlawfull; so that not onely the

Act

Act of Kneeling it self, but the imposition of it by lawfull Authority must needs be lawfull. Neither indeed would the People scruple at the imposition, if they had not been taught that the thing it self were unlawfull, or if Mr. *Baxter* would yet teach them to believe what he himself believes, namely, that it is lawfull; which with what Conscience he can refuse to do I know not; for sure he is obliged to teach them obedience not to Divine Authority onely, but to Humane Authority also in all lawfull things; and not to let them go on in such an erroneous opinion, *as will disturb the Peace, and deprive them of the Communion of the Church*, and consequently make them sin against God and Man and their own Souls. Of which sin of theirs he must needs be a partaker in a great measure, if he do not perswade them from it; seeing (as he himself saith) *Qui non vetat peccare cum potest, jubet*. And what Power he hath to lead or mislead those kind of men, *their venturing to kill and be killed in an unrighteous quarrel (upon his perswasion)* hath more than enough demonstrated during the time of the late troubles; unless he will say that he hath conjured up a Spirit that he cannot lay. Howsoever by how much the more faulty he hath been in misleading them heretofore, by so much the more zealous he should be to reduce them into the right way hereafter; which if he and the rest of his Brethren can doe (as I am confident they can if they will) they will make some amends for the mischief they have done, and then there will be no fear or danger of *Ministers being Ejected for their tenderness towards the People, nor of the Ejecting of any of the People from the Communion of the Church for not conforming themselves to the Orders and Commands of it*, and consequently, there will be no Schisms or Divisions amongst us, when we shall all worship the same God the same way. But if they

they will not doe this (which by all obligations humane and Divine they are bound to doe-) for my part I know no better way for undeceiving and reducing of the People, than by removing such Ministers, and then we shall see when the blowing of those boisterous winds ceaseth, whether the waves will not be still or no : In the meantime I hope the removing of *erroneous* and *seditious*, will not necessitate the introducing of *ignorant* and *scandalous Ministers*, though Mr. Baxter ought to remember, that as there is no sin more heinous than Rebellion, so no teacher ought to be more scandalous (I am sure there is none more dangerous) than a teacher of Rebellion.

And now (to use Mr. Baxter's own words) I think there is *no man to be found on earth, that hath the ordinary reason of a Man, but will confess, That it is indeed destructive of all Government and Legislative power, to Assert (as Mr. Baxter did Assert) the command of a thing in it self lawfull by lawfull Authority, under no unjust punishment, with no evil circumstance, which the Commander can foresee or ought to provide against* (for all these pre-cautions were expressly put in the proposition which Mr. Baxter denied) *is a sinfull Command, for no other reason, but because the Act Commanded may be by Accident a sin.*

Let Mr. Baxter then know, and (if he have ingenuity enough) confess, that the words I spoke (as to this particular) were *words of truth*, and *words of Charity* also, as being intended and spoken to no other end, but to undeceive that People, who by having his person too much in admiration (as if he could neither deceive nor be deceived) had been so long and so dangerously misled by him ; so that it was not I that defamed him then, but it is he that hath defamed me now. Neither could I expect less from the boldness of this man and that party, who have had the confidence publickly to own the ob-

26 *The Bishop of Worcester's Letter*

ligation of the Covenant, even since it hath been condemn'd to be burnt by the Parliament. And truly I see no reason why all those Books and Sermons which have been Preach'd and Printed in defence of the Covenant, or to maintain the same or worse principles of Sedition than are in the Covenant, should not be burnt also. Nay I dare be bold to say, that if the Authours of such Books and Sermons were not still of the same opinions, (and if they be, God deliver us from such Preachers) if they were not still, I say, of the same opinions, but did truly repent of them, and were heartily sorry for the horrible mischief they have done by them, they would with those converted Exorcists, *Act. 19.* bring all those Conjuring Books of theirs together, and to save the Hang-man a labour; would publickly burn them all with their own hands, that so, though by the burning of their works they may perhaps suffer some loss in point of reputation with some of their Disciples, yet they themselves may be saved, but so as by fire, *1 Cor. 3. 15.* At least they ought to be enjoyned to write Books of Retraction, as St. *Augustine* did, having much more reason to doe so than St. *Augustine* had.

And this, Sir, is all I have to say upon this occasion, and more a great deal than I ought to have said, or than perhaps was needfull to be said to one that knows Mr. *Baxter* and me as well as you do; which if it satisfie you, as I hope it will, you may doe what you please with it, in order to the satisfying of others; for this is the first and last trouble I mean to put my self to of this kind, whatsoever provocation I may have from him hereafter,

Your very affectionate Friend

and Servant,

G. Worcester.

The Attestation of Dr. Gunning, and
Dr. Pearson.

Concerning a Command of Lawfull Superiours, what was sufficient to its being a lawfull Command.

THis proposition being brought by us, viz.
That Command which commands an Act in it self lawfull, and no other act or circumstance unlawfull, is not sinfull.

Mr. Baxter denied it for two reasons which he gave in with his own hand in writing thus: One is, Because that may be a sin per accidens, which is not so in it self, and may be unlawfully commanded though that accident be not in the command. Another is, That it may be commanded under an unjust penalty.

Again this Proposition being brought by us,
That Command which commandeth an Act in it self lawfull, and no other Act whereby any unjust penalty is enjoined, nor any circumstance whence per accidens any sin is consequent which the Commander ought to provide against, is not sinfull.

Mr. Baxter denied it for this reason given in with his own hand in writing thus: Because the first Act commanded may be per accidens unlawfull, and be commanded by an unjust penalty, though no other Act or circumstance commanded be such.

Again this Proposition being brought by us,
*That Command which commandeth an Act in it self
lawfull, and no other Act whereby any unjust penalty is in-
joynd, nor any circumstance whence directly or per acci-
dens any sin is consequent, which the Commander ought to
provide against, hath in it all things requisite to the law-
fulness of a Command, and particularly cannot be guilty of
commanding an Act per accidens unlawfull, nor of com-
manding an Act under an unjust penalty.*

Mr. Baxter denied it upon the same Reasons.

Peter Gunning.

John Pearson.

The

The Postscript.

Lest Mr. Baxter should say I have defamed him once more, by charging him with devising and publishing Maxims of Treason, Sedition and Rebellion, (which till he should as publickly recant, I thought it unfit to restore him to the exercise of any Act of the Ministry in my Diocese) I think my self obliged to set down some few of his Political Theses or Aphorisms in his own words, as they are extant (though it be strange such a Book should still be extant) in his [Holy Common-wealth] most falsely and profanely so called.

Mr. Baxter's *Theses of Government and Governours in General.*

I. **G**overnours are some limited, some *de facto* unlimited; The unlimited are Tyrants and have no right to that unlimited Government, P. 106. *Thes.* 101.

H. The 3. qualifications of necessity to the being of Sovereign Power are, 1. So much understanding, 2. So much will or goodness in himself, 3. So much strength or executive power by his interest in the People or others, as are necessary to the said ends of Government, P. 130. *Thes.* 133.

III. From whence he deduceth 3. Corollaries, (*viz.*)
1. When Providence depriveth a man of his understanding

standing and intellectual Capacity, and that stately or to his ordinary temper, it maketh him *matertam indispofitam* and incapable of Government, though not of the name. *Thes.* 135.

2 If God permit Princes to turn so wicked as to be incapable of governing so as is consistent with the ends of Government, he permits them to depose themselves. *Thes.* 136.

3 If Providence stately disable him that was the Sovereign from the executing of the Law, protecting the just, and other ends of Government, it makes him an incapable subject of the power, and so deposeth him. *Thes.* 137.

IV. *Whereunto he subjoyns*, that though it is possible and likely that the guilt is or may be theirs, who have disabled their Ruler by deserting him, yet he is dismissed and disobliged from the charge of Government; and particular innocent members are disobliged from being governed by him.

V. If the person (*viz. the Sovereign*) be justly dispossessed, as by a lawfull War, in which he loseth his right, cially if he violate the Constitution and enter into a Military State against the people themselves, and by them be conquered, they are not obliged to restore him, unless there be some special obligation upon them besides their allegiance. *Thes.* 145.

VI. If the person dispossessed, though it were unjustly, do afterwards become incapable of Government, it is not the Duty of his Subjects to seek his restitution. *Thes.* 146. No not although (*saieth he*) the incapacity be but accidental, as if he cannot be restored but by the Arms of the Enemies of God or of the Commonwealth.

VII. If

VII. If an Army (of Neighbours, Inhabitants, or whoever) do (though injuriously) expell the Sovereign, and resolve to ruine the Commonwealth, rather than he shall be restored; and if the Commonwealth may prosper without his restauration, it is the duty of such an injured Prince for the Common good to resign his Government, and if he will not, the people ought to judge him as made incapable by Providence, and not to seek his restitution to the apparent ruine of the Commonwealth. *Thes.* 147.

Where by the way we are to note, he makes the People judge of this and all other incapacities of the Prince, and consequently when or for what he is to be Depos'd, or not Restored by them.

VIII. If therefore the rightfull Governour be so long dispossest'd, that the Commonwealth can be no longer without, but to the apparent hazard of its ruine, we (*that is, we the people, or we the Rebels that dispossest'd him*) are to judge that Providence hath dispossest'd the former, and presently to consent to another. *Thes.* 149.

IX. When the people are without a Governour, it may be the duty of such as have most strength, *ex charitate*, to protect the rest from injury. *Thes.* 150. *and consequently they are to submit themselves to the Parliament, or to that Army which deposed or dispossest'd or murdered the rightfull Governour.*

X. Providence by Conquest or other means doth use so to qualifie some persons above others for the Government when the place is void, that no other persons shall be capable competitorours, and the persons (*doth not he mean the Cromwells?*) shall be as good as named by Providence, whom the people are bound by God to chuse,

chuse, or consent to, so that they are usually brought under a divine obligation to submit to such or such, and take them for their Governours, before those persons have an actual right to Govern. *Thes.* 151.

XI. Any thing that is a sufficient sign of the will of God, that this is the person, by whom we must be Governed is enough (as joyned to God's Laws) to oblige us to consent and obey him as our Governour. *Thes.* 153.

XII. When God doth not notably declare any person or persons qualified above others, there the people must judge as well as they are able according to God's general rules. *Thes.* 157.

XIII. *And yet* All the people have not this right of chusing their Governours, but commonly a part of every Nation must be compelled to consent, &c.

XIV. Those that are known enemies of the Common Good in the chiefest parts of it, are unmeet to Govern or chuse Governours, but such are multitudes of ungodly vicious men. *Pag.* 174. *So that if those that are strongest (though fewest) call themselves the Godly Party, all others besides themselves are to be excluded from Governing or chusing of Governours. And amongst the ungodly that are to be thus excluded, he reckons all those that will not hearken to their Pastours (he means the Presbyterian Classis) or that are despisers of the Lord's-Day, that is, all such as are not Sabbatarians, or will not keep the Lord's day after the Jewish manner, which they prescribe, and which is condemned for Judaism by all even of the Presbyterian persuasion in the world, but those of England and Scotland onely.*

XV. If a People that by Oath and Duty are obliged to a Sovereign, shall sinfully dispossess him, and contrary to their Covenants, chuse and Covenant with another, they may be obliged by their latter Covenant notwithstanding their former; and particular subjects that consented not in the breaking of their former Covenants, may yet be obliged by occasion of their latter choice to the person whom they chuse. *Thes.* 181.

XVI. If a Nation injuriously deprive themselves of a worthy Prince, the hurt will be their own, and they punish themselves; but if it be necessarily to their welfare, it is no injury to him. But a King that by war will seek reparations from the body of the people, doth put himself into an hostile State, and tells them actually that he looks to his own good more than theirs, and bids them take him for their Enemy, and so defend themselves if they can. *Pag.* 424.

XVII. Though a Nation wrong their King, and so *quoad Meritum causæ*, they are on the worser side, yet may he not lawfully war against the publick good on that account, nor any help him in such a war, because *propter finem* he hath the worser cause. *Thes.* 352.

And yet as he tells us (pag 476.) we were to believe the Parliaments Declarations and professions which they made, that the war which they raised was not against the King either in respect of his Authority, or of his Person; but onely against Delinquent Subjects, and yet they actually fought against the King in person, and we are to believe (*saieth Mr. Baxter pag. 422.*) that men would kill them whom they fight against.

Mr. Baxter's Doctrine concerning the Government of *England* in particular.

HE denies the Government of England to be Monarchical in these words.

I. The real Sovereignty, here amongst us was in King, Lords and Commons. *Pag. 72.*

II. As to them that argue from the Oath of Supremacy and the title given the King, I refer them (*saieth Mr. Baxter*) to Mr. *Lawson's* answer to *Hobbs's* Politicks, where he sheweth that the Title is often given to the single Person for the honour of the Commonwealth and his encouragement, because he hath an eminent interest: but will not prove the whole Sovereignty to be in him: and the Oath excludeth all others from without, not those whose interest is implied as conjunct with his. — The eminent dignity and interest of the King above others allowed the name of a Monarchy or Kingdom to the Commonwealth, though indeed the Sovereignty was mixed in the hands of the Lords and Commons. *Pag. 88.*

III. He calls it a false supposition. 1. That the Sovereign power was only in the King, and so that it was an absolute Monarchy. 2. That the Parliament had but only the proposing of Laws, and that they were Enacted only by the King's Authority upon their request. 3. That the power of Arms and of War and Peace was in the King alone. And therefore (*saieth he*) those that argue

argue from these false suppositions, conclude that the Parliament being Subjects, may not take up Arms without him, and that it is Rebellion to resist him; and most of this they gather from the Oath of Supremacy, and from the Parliaments calling of themselves his Subjects; but their grounds (*saith he*) are sandy, and their superstructure false. *Pag. 459. & 460.*

And therefore Mr. Baxter tells us, that though the Parliament are Subjects in one capacity, yet have they their part in the Sovereignty also in their higher capacity, Ibid. And upon this false and traitorous supposition he endeavours to justify the late Rebellion, and his own more than ordinary activeness in it. For,

IV. Where the Sovereignty (*saith he*) is distributed into several hands (as the King's and Parliaments) and the King invades the others part, they may lawfully defend their own by war, and the Subject lawfully assist them, yea, though the power of the Militia be expressly given to the King, unless it be also express that it shall not be in the other. *Thef. 363.*

The conclusion (*saith he*) needs no proof because Sovereignty, as such, hath the power of Arms and of the Laws themselves. The Law that *saith* the King shall have the *Militia* supposeth it to be against Enemies and not against the Commonwealth, nor them that have part of the Sovereignty with him. To resist him here is not to resist power, but usurpation and private will; in such a case the Parliament is no more to be resisted than he. *Ibid.*

V. If the King raise War against such a Parliament upon their Declaration of the dangers of the Commonwealth, the people are to take it as raised against the Commonwealth. *Thef. 358.*

And in that case (saith he) the King may not onely be resisted, but ceaseth to be a King, and entreth into a state of War with the people. *Thef.* 368.

VI. Again, if a Prince that hath not the whole Sovereignty be conquered by a Senate that hath the other part, and that in a just defensive War, that Senate cannot assume the whole Sovereignty, but supposeth that government in *specie* to remain, and therefore another King must be chosen, if the former be incapable. (*Thef.* 374.) as he tells us, he is, by ceasing to be King, in the immediately precedent *Thef.*

VII. And yet in the Preface to this Book he tells us that the King withdrawing (so he calls the murdering of one King and the casting off of another) the Lords and Commons ruled alone; was not this to change the species of the Government? Which in the immediate words before he had affirmed to be in King, Lords and Commons; which constitution (saith he) we were sworn, and sworn, and sworn again to be faithfull to and to defend. And yet speaking of that Parliament which contrary to their Oaths changed this Government by ruling alone, and taking upon them the Supremacy, he tells us that they were the best Governours in all the world, and such as it is forbidden to Subjects to depose upon pain of damnation.

Vide Preface to the H ly Common wealth, pag. c.

What then was he that deposed them? one would think Mr. Baxter should have called him a Traitor, but he calls him in the same Preface, the Lord Protector, adding, That he did prudently, piously, faithfully, and to his immortal honour exercise the Government, which he left to his Son, to whom (as Mr. Baxter saith pag. 484.) he is bound to submit as set over us by God, and to obey

obey for conscience sake, and to behave himself as a Loyal Subject towards him, because (as he saith in the same place) a full and free Parliament had owned him: thereby implying, That a maimed and a manacled House of Commons, without King and Lords, and notwithstanding the violent expulsion of the secluded Members were a full and free Parliament; and consequently that if such a Parliament should have taken Arms against the King he must have sided with them. Yea, though they had been never so much in fault, and though they had been the beginners of the War, for he tells us in plain and express terms,

VIII. That if he had known the Parliament had been the beginners of the War and in most fault, yet the ruine of the Trustees and Representatives, and so of all the security of the Nation being a punishment greater than any faults of theirs against the King could deserve from him, their faults could not disoblige him (meaning himself) from defending the Commonwealth. Pag. 480.

And that he might doe this lawfully, and with a good Conscience, he seems to be so confident, that in his Preface, he makes as it were a challenge, saying, that if any man can prove that the King was the highest power in the time of those Divisions, and that he had power to make that war which he made, he will offer his head to Justice as a Rebel.

Vid. The Pref to his
Holy Commonwealth,
prope. finem.

As if in those times of Division the King had lost or forfeited his Sovereignty, and the Parliament had not onely a part, but the whole Sovereignty in themselves.

IX, Finally Mr. Baxter tells us, Pag. 486. That having often searched into his heart, whether he did lawfully engage into the War or not, and whether he did lawfully

lawfully encourage so many thousands to it; he tells us, I say, that the issue of all his search was but this,---- That he cannot yet see that he was mistaken in the main cause, nor dares he repent of it, nor forbear doing the same, if it were to doe again in the same state of things. *He tells us indeed in the same place, that if he could be convince'd he had sinned in this matter, he would as gladly make a publick recantation, as he would eat or drink: which seeing he hath not yet done, it is evident he is still of the same mind, and consequently would upon the same occasion doe the same things, viz. fight, and encourage as many thousands as he could to fight against the King for any thing that calls it self, or which he is pleased to call a full and free Parliament: as likewise that he would own and submit to any Usurper of the Sovereignty as set up by God, although he came to it by the murder of his Master, and by trampling upon the Parliament. Lastly, That he would hinder as much as possibly he could the restoring of the rightfull Heir unto the Crown. And now whether a man of this Judgment, and of these affections, ought to be permitted to Preach or no, Let any, but himself, judge.*





· T H E
Bishop of *Winchester's*
VINDICATION

Of Himself from divers
False, Scandalous and Injurious Reflexi-
ons made upon him by Mr. *RICHARD*
BAXTER in several of his Writings.

As likewise

A Vindication of the Rights and Sovereignty of
all *Kings* (properly so called) and particularly of the
King of *England's* being sole Sovereign over all persons,
in all capacities, within his own Realms and Dominions,
from What Mr. *Baxter* (to justify the *Rebellion* against
our late King of ever blessed Memory) hath in many of
his False, Factious and Seditious *Aphorisms* asserted
to the contrary.

Together with

A Proposal of a more Legal, and more effectual *Expedi-
ent* for the keeping *Popery* and *Arbitrary Government*
for ever out of *England*, than the passing of an Act to
exclude the right Heir from Succession to the Crown
(either now or hereafter) is, will be, or can be.

L O N D O N,
Printed for *Joanna Brome*, 1683.

THE
Bishop of Winchester
VINDICATION

Of his Sentences and Judgment

in the Cause of the Bishop of Winchester

Against the Proceedings of the

Commons of Great Britain

in the House of Commons

in the Year 1719

By

John Smith

Esq.

London

Printed by J. Smith

SECTION. I.

Mr. BAXTER'S *Affertion at the Savoy* undeniably proved upon him; and consequently his Charge against the Bishop of many mistakes in his Letter, in matter of fact, and of his **Gross mistaking charge**, viz. Concerning the judgment of the Nonconformists of things sinfull by Accident, cleared.

(f 2)

The

SECTION I

NOV 18

1

The Bishop of *Winchester's* Vindication of himself, from divers false, scandalous and injurious Reflexions made upon him by Mr. *Richard Baxter* in several of his Writings.

C H A P. I.

Mr. Baxter's Charge against the Bishop, gathered out of several Writings of his, and set down in his own words.

MAfter *Baxter* in his Preface to his Book (called by him *The true and onely way of Concord of all Christian Churches*) reflecting upon a Letter of mine, Written and Printed near 20 years before, saith; *There are so many Mistakes in matter of fact in it, that although he had made an Answer to it, yet he cast it aside for Peace sake; believing, that the opening of the aforesaid so many mistakes would not easily be born: the rather, because* (as he

G says

The Bishop of Winton's Vindication

says in the words immediately foregoing) *he knew he had greatly incur'd both our displeasures already, (to wit, the Bishop of Ely's and mine) for what he had said and done against our Way; and that (as to my particular) the aforesaid Letter of mine was a proof of it.*

Again, in the same *Preface* to the same Book, he saith, *You, (meaning the Bishop of Ely and Me, to whom he addresseth that Preface) have (above all men I know) effectually helped to bring us (meaning himself, and the rest of his Party) under.*

These are Mr. *Baxter's* complements when he speaks to me, and therefore, I am not to expect more Civility from him, when he speaks of me, as he doth in divers of his Books which I have seen, and perhaps, in many more of them which I have not seen; (for I hope all men are not bound to read all Mr. *Baxter* writes:) But in those I have seen, when he speaks of me, it is neither *Honoris*, nor *Charitatis gratia*; but to reproach me either directly and in express terms, (or covertly and by the bye) as, when in his *Preface* to the second part of his *Plea for Nonconformists*, he saith, *It was Bishop Morley's gross mistaking charge that made him write one whole Tract, or Treatise, namely, That of things sinfull per Accidens or by accident.*

Again, in the former part of the aforesaid *Plea for Nonconformists*, he saith, *Bishop Morley advised him to read Bilson and Hooker, in whom (saith he) I found more than he approv'd, for resisting and restraining of Kings.*

Again, in another of his printed Papers; (I mean that Paper which he would have taken for a *Recantation*

tion of some of those *Political Aphorisms*, I had laid to his charge) though he do not name me, yet he points directly at me, as if I had accused him for asserting, *That all humane powers are limited by God; which to deny* (as he there insinuates I do *) and elsewhere plainly tells me I do) *is to defy Deity and Humanity*: and consequently makes me a defyer of them both.

* Vid. his Letter to Mr. Hinkley, and his last answer to Dr. Stillfleet.

Lastly, with the same ingenuity and candour, he aims at me more obscurely, and more obliquely indeed, but yet more spitefully and more mischievously; when in the close of his *Animadversions upon the Dean of St. Paul's Sermon*, he speaks of somebody that removed somebody from a great Man's service, who might have kept him from Apostatizing, if he had been suffered to continue with him; meaning my supposed removing Mr. Jones the Authour of *Elymas the Sorcerer*; from being one of the Duke of York's Chaplains.

These are the things that Mr. Baxter doth either directly and expressly, or implicitly and obliquely charge me withall: And perhaps there be many more in other of his voluminous Writings which I have not seen, nor heard of yet; and all of them as true perhaps as any of those I have here named, that is, not true at all, as I hope I shall make it appear to any indifferent and impartial Reader, that will take the pains to compare his several *Allegations* with my several *Answers* to them.

C H A P. II.

The Bishop's Answer in general to his charge of Many Mistakes in a Letter of the Bishop's long since printed, together with a pretended Answer of Mr. B's to it, and the Reason of reprinting that Letter of the Bishop's.

First then, whereas Mr. Baxter chargeth me with having made **many Mistakes** in a Letter I writ and printed many years ago, to justify my silencing of him, when I was Bishop of *Worcester*; it is to be observed,

*He names no
one mistake.*

1. That this is a charge in general terms onely, without specifying any one of those *many mistakes* in particular.

*Himself the
only Accuser.*

And 2^{dly} that he names no body, no not so much as any one of his own Party, that now doth, or ever did for 20 years together, lay any such thing to my Charge besides himself; so that whether there be *many* or any, or if any *mistakes*, they being mistakes in **matter of Fact** (as he saith they are) there is no *Constat*, no other evidence, but Mr. Baxter's bare Affirmation onely, whereunto my bare Negative ought in Law, Equity, and Reason to be esteemed a sufficient Answer. Unless, though according to the *Apostolical Canon*, an accusation against a *Presbyter* ought not to be received by a *Bishop* (for so was *Timothy*) without two or three witnesses; yet an accusation of a *Bishop* by a *Presbyter*, without any witnesses at all, ought to be believed, and that in **matter of Fact** too, which cannot be otherwise proved

*An Accusation
against a
Presbyter not
to be received
without wit-
nesses.*

proved but by Witnesses; or unless, as *S. Hierom* faith of himself and *St. Austin*, that *Quamvis Episcopus sit major Presbytero, tamen Augustinus est minor Hieronymo*; Though a Bishop be greater than a Presbyter, yet *Austin* is less than *Hierom*: So Mr. *Baxter* will say (as I doubt not but he thinks) that though the authority of a *Bishop* be greater than a *Presbyter's*, yet such a *Presbyter* as Mr. *Baxter* ought to be credited before such a *Bishop* as Bishop *Morley*.

Be it so; but yet neither *Bishop* nor *Presbyter*, No one to be believed in his own Case. nor any body else, is to be believed in his own Case, or upon his accusing of a third person upon his own word, or upon his own affirmation onely; especially when the accusation is general, without any instance thereof in particular. As if, when one man speaking of another, faith, he is a *Liar*, a *Thief*, or a *Perjured person*, he were to be believed, and the man he speaks of were to be thought to be such a one as he faith he is, without so much as naming, and much less proving any one particular either *Lie* or *Theft* or *Perjury* that he is guilty of.

What is this, but to make a *Pope* of a *Presbyter*? for the *Pope* claims no more than that his *Ipse dixit*, his bare saying of a thing, should be proof enough to oblige men to believe what he affirms to be true, no nor so much neither as to matter of fact; though some of the *Pope's* shameless *Sycophants* have of late offered to maintain that he is as *Infallible* in matter of *Fact*, as he is in matter of *Faith*; and I verily believe him to be so. And I believe likewise that many of the *Nonconformists* have the same opinion of their *Teachers*, which the most *Bigott-Papists* have of their *Pope*, as to their *Veracity*.

The Non-Conformists Teachers as Infallible as the Pope.

Veracity at least, if not to their *Infallibility* also. So I mean as undoubtingly to believe whatsoever they teach them in matters of *Faith*, or tell them in matters of *Fact*. But whether it be because they are taught to believe so, or because their having such *mens persons in admiration* makes them believe so, I will not, I cannot determine: I hope it is the latter rather than the former, though I am afraid, some of their *Teachers* are well enough pleased they should so esteem and believe of them. Howsoever, or whatsoever may be the cause of it, We are sure enough, by undeniable experience, that it is so.

Baxterian
Nonconformists.

And truly Mr. *Baxter* doth very much presume upon his own very great, or upon my very little Credit in the World, if he thinks that whatsoever he is pleased to say of me, without any proof or instance of it will for his own bare saying of it onely, be believed by any, but those of his own party; and by those of his own party, I mean not all the *Nonconformists*, but the *Baxterian Nonconformists* onely, if there be any such besides himself.

M. Baxter's
Answer to the
Bishop's Letter
inquired
after.

But Mr. *Baxter* may perhaps say in his own behalf, that although in his aforesaid *Preface* to his Book of *Concord*, he gives no particular instance of any of the many mistakes he chargeth me with, yet in his *Answer* to that *Letter* of mine, wherein he says, those many mistakes are in general, there were not *Instances* onely, but also *Proofs* of all and every one of those many mistakes in particular. Well, But *Where* is that *Answer* of his to that *Letter* of mine? Why, Mr. *Baxter* after he had writ it laid it aside; for so Mr. *Baxter* himself (which ought to be taken for proof enough) saith. But

Not likely
that it was
laid aside.

Why

Why did he lay it aside? Sure he did not mean to lay it aside when he writ it: It was therefore for some very extraordinary reason, if he did so; For never any man had a greater *sophy*, *natural* tenderness and *affection* for all the Issues of his own brain, than Mr. *Baxter* seems to have; Which Issues of his are so numerous, as if he had begun to *write* as soon as he could *peak*, and to *print* as soon as he could *write*; and they do so croud to come into the world, that one seems to take hold of the heels of another, as *Jacob* did of *Esau's*, struggling which should get out first, and from this striving, while they were yet in the womb of his brain, comes their so often crossing, and contradicting of one another, after he is delivered of them.

His writings numerous,

N.B.

And contradictions.

This fondness of his towards his own conceptions and the delight he takes in the multiplying and publishing of them makes me think, that either there was never any such *Answer* at all made by him, or if indeed there were any such *Answer*, there were some other reasons, besides what are alleged by him, that made him forbear the Printing of it; for whereas he saith, *It was for peace, or for peace sake that he laid it aside*, or forbore printing it; *because having already* (that is, before my publishing of the aforesaid Letter) *greatly incurred the Bishop of Ely's displeasure and mine by what he had said and done against our Way, he believed the opening of so many mistakes in matter of fact* (as were in that Letter) *would not easily be born*; and for that reason, he laid aside that *Answer* of his to that Letter of mine.

His own reasons why he laid it aside.

I cannot believe that this was the *only*, or indeed any reason at all of his so doing; I mean it was neither.

ther his love of peace in general, nor his fear of giving me any farther provocation in particular, that made him suppress that pretended *Answer*.

Not probable
for peace-
sake.

For *first*, if he were of so peaceable a disposition or so great a lover of *Peace* as he would seem to be, he would not have spent so much of his time in writing so many Volumes to keep up and increase *Schism and Separation* in the *Church*, together with *Faction and Sedition* in the *State* as he hath done.

Mr. Baxter
Magisterial
in his writing.

Which might be made to appear yet farther from the *manner*, as well as the *matter* of his writing, which is so *Magisterial*, and with that contempt, undervaluing and vilifying of those he writes against, or that write against him, and sometimes with such exasperating and provoking language as very ill becomes him that pretends to be a *Peace maker*.

What likely
might be the
reason of his
laying it a-
side.

And perhaps in such a style was that *Answer* of his written (if he writ any answer at all) to the aforesaid *Letter* of mine; and then perhaps too, some wiser Friend of his might advise him to forbear printing of it, at least at that time, namely, at the *King's first coming in*, against one that came in a little before him, and was sent by him, and had been, all the while the *King* was abroad, in *Exile with him*, and for him, and had newly received some more than ordinary marks of his *Majestie's* favour from him. These, or the like considerations to these, being suggested to him, might peradventure at that time prevail with him, rather wholly to suppress, or at least to defer the printing of that *Answer* of his (if there were any such answer) than thereby so unseasonably to provoke me more, whose *displeasure*, he saith, *he had greatly incur'd by what he had said and done against the Bishop of Ely's way*
and

and mine; as if the Bishop of *Ely* and I had a Way of our own, wherein no body walked but our selves.

I would therefore fain know what he calls the Bishop of *Ely's* way and mine, and for his speaking and acting against which, he had so greatly incurrd that Bishop's and my displeasure: Is it a new or a newly found out Way, or a way of our own de-

Mr. Baxter's
Way a New
way of his
own.

vising as Mr. *Baxter's* way is of his? a way that never any walked in before, nor none but himself doth walk in yet, nor will (I believe) ever walk in hereafter. For it is neither *Episcopal*, nor *Presbyterian*, nor wholly *Independent*, nor any of any other denomination either *ancient* or *modern*, that I ever heard of; but partly of all, and partly of none of them. But *Ours*, I mean, the Way, which the Bishop of *Ely* and I do walk in, is no *By-path*, not a Way of Sufferance or *Toleration* onely, such as Mr. *Baxter* and all the *Nonconformists* plead for: but the *Good old way*, the *King's*, the *Church of England's* way, nay, the *Catholick Churches* High-way; the Way wherein all the *Primitive Fathers*, *Saints* and *Martyrs*, and all the *Orthodox Christians* in all Ages, (untill the last before this of ours) have gone before us. I mean the Government of the Church by *Bishops*, teaching all and nothing else, but what was taught by *Christ* and his *Apostles* in point of *Dollrine*; and commanding nothing which God has forbidden, nor forbidding any thing which God has commanded, in the outward Administration of God's publick *Worship* and *Service*: but making use of that liberty and power that God hath left to his *Church* in order to Decency and Uniformity and Edification, and consequently in order to that Unity and Concord, which Mr. *Baxter* doth so much pretend to

The Bishop's
Way the old
church of
England-
way.

Nonconformist Teachers draw and keep people out of the way.

Mr. Paxton's Pleas for them justly taxed.

desire and plead for. This, and no other but this, is the Way of the *Church of England*, and this, and no other but this is the Way, which the Bishop of *Ely* and I do walk in, and would have all men else, that are born within the pale of our Church, to walk in also. And therefore, as we cannot chuse but be sorry for those that are led or kept out of this way, both for their own and the Churches sake, so we cannot chuse but be *displeased* too with those that not onely refuse to walk in it themselves, but endeavour and doe what they can to draw others from it, and to keep those that are gone out of it, from returning again into it, by making and preaching and printing *Pleas* and *Apologies* for *Nonconformists*, which can have no other end (*consequentially* at least, if not *intentionally*) but to confirm them in their *Nonconformity*. And surely, he that would not forbear to doe this, and to doe it over and over again, being so prejudicial and destructive to the *peace* of the *Church* and *State* (as We have experimentally found it to be) He (I say) that would not forbear to doe this for the publick peace sake, nor for fear of offending the *King* and the *Parliament*, the makers of those Laws against those things and persons, he so loudly and so boldly pleads for, did not in all probability for peace sake (and much less for fear of displeasing Bishop *Morley*) forbear to publish what he had written in answer to that *Letter* of the Bishop's which would have been much less provoking, by specifying though not proving some of those *many mistakes* he now chargeth him with, without naming any of them; and consequently, as much as in him lies, imposing upon his *Readers*, especially such as are ill-affected to Bishops, an implicit belief, that there

there are indeed many, very many mistakes in the Bishop's Letter; and perhaps gross ones too, and such as Mr. Baxter could have named, and proved also; but being a man of so peaceable, so patient, and so meek a disposition as he is, he did *for peace sake*, and because he would not provoke the Bishop to be more displeased with him than he was already, forbear to doe so; *Credat Judæus, non Ego*, Believe it who list for me, as he saith.

And therefore he must give me leave to think, upon better considerations, that he never writ any *Answer* at all to my Letter; So that all the Reply I need to make to this general unattested and unproved Charge of Mr. Baxter, is to oppose my bare *Negative* to his bare *Affirmative*; for *Affirmantis est probare*, He who affirms a thing ought to prove it; which untill he hath done, it is to be supposed, (for the reasons before by me alledged) he cannot doe; And consequently that the Charge it self is a mere *Calumny*.

Which that it may be made more evidently to appear, I have caused the self same Letter (wherein he saith there are so many mistakes) without any the least addition, subtraction or alteration, to be reprinted and publish'd, to the end, that such as will vouchsafe to reade it without prejudice, may judge betwixt us, whether there be indeed so many, or any such mistakes in matter of Fact in it, as Mr. Baxter saith there are; as likewise, whether I did well or ill in restraining him from preaching in my Diocese; which that all men may the better judge of, I have reprinted likewise those *Political Aphorisms* of his which were at first annexed to that Letter, not as accusing him for holding them now,

The reason of reprinting the Bishop's Letter with Mr. Baxter's Aphorisms.

but as remembring him of his holding them then, which though it was not the cause (as the *Letter* tells him) of my *Silencing* him at first, yet, that together with what he had asserted at the *Conference* in the *Savoy* was the cause (as the *Letter* tells him also) why I continued, and resolved to continue that restraint and *Suspension*, untill he should make
 1 a publick *Recantation*, as well of what he had affirmed in the aforesaid *Conference*, (namely, *The unlawfulness of lawfull Commands by lawfull Authority, if by accident they might be the cause or occasion of sin*)
 2 as likewise of those not onely false and erroneous, but dangerous, seditious and rebellious *Maxims* of his; which howsoever he may have since repented and recanted, I am sure he had not recanted them then, at least not publickly, or so as I or the World could take notice of it. They therefore that reade the *Letter* with the *Aphorisms* annexed to it, and reprinted with it, are to consider them *rebus sic stantibus*, I mean as things were then when they were first printed. And if Mr. Baxter himself would consider them so too, he must needs confess (if at least he will stand to what he hath written since, even in this very Book, of which he would have me give him my opinion) he must needs confess (I say) that he was justly *Silenced*, or restrained from Preaching, as being then one of Those, who he himself saith are * *intolerabiles*, that is, such, as ought not to be suffered to Preach, as being disturbers of the publick peace, *πειναπάλαι*, as St. Paul calls them, that is, *Seducers of the people*, *ὅλως ὥς ἀναγέροντες*, *overturning or turning upside down whole Houses or Families*, *ὥς δὲ ἐπισομίζειν*, *whose mouths* (St. Paul saith in the same place) *ought to be stopped*

Mr. Baxter
justly silenced
upon his own
grounds.

* Vid The
True and one-
ly way of
Concord, cit-
ed finem.

stopped. And if those mens mouths ought to be stopped, that by Seditious *Preaching* disturb *Families*, how much more ought they to be silenced, that by *Printing* and Publishing seditious and rebellious Books and Maxims, doe what they can, not onely to disturb, but overthrow whole *Churches* and *Kingdomes*?

But Mr. *Baxter* will say he doth not own any of those *Maxims* now: I do not say he does, but I do say he did own them, at least he had not disown'd them then, when I silenced him; and consequently when he was one of those whom he himself calls *intolerables*, or such as ought not to be permitted to Preach, which is enough to justifie what I said or did then. But whether he hath since made or published any declaration, whereby he hath clearly and fully disown'd all those Seditious *Maxims* of his, We shall see hereafter.

C H A P. III.

One Particular Gross mistake (as he calls it) charged in a late *Treatise* of his upon the Bishop, about the Nonconformists judgment of things sinful by accident, taken to task.

And now I should proceed to the consideration of some particulars, which Mr. *Baxter* is pleased to charge me with in his aforesaid *Preface* to his aforesaid Book of *Concord*; having I suppose said enough, if not more than enough, already to his general Charge without witness or proof, relating to my aforesaid

Mr. Baxter's
bundle of ex-
torted and
distorted
Treatises.

aforesaid *Letter*, had not Mr. Baxter himself sent me by my friend Mr. Isaac Walton, another Book of his called *The second part of the Nonconformists Plea for peace*, which he calls an *extorted and distorted Treatise*, or rather a bundle of Treatises bound up together. And *distorted* enough indeed it is, but how or by whom it was *extorted* from him I know not; he seems by the many Books he hath written, to be so ready a *Writer*, that he needed not to have any thing he writes to be *extorted* from him. For indeed he is rather one of those, *quibus difficile est non scribere*, who are as hardly to be restrained from Writing, as others are from Preaching. But in this bundle of Treatises, whether *extorted* or not *extorted*, there is one wherein I am particularly concerned, He calls it, *The judgment of Nonconformists of things finfull by accident*; and in his *Preface* to that whole bundle of Treatises, he saith, *This Treatise in particular was written purposely to answer the gross mistaking charge of Bishop Morley*.

The Bishop's
pretended
mistake not
mentioned in
the Treatise
written to
answer it.

And truly if he had not said so, or if that *Treatise* had been Printed by it self, I should neither by the *Title* of it, nor by the *Book* it self have suspected it to have been purposely written against me, or against any mistake of mine: For neither in the *Title* nor in the *Book* it self do I find Bishop Morley so much as once named, or any way so characterized by any thing I have said or done, as to conclude my self to be understood by it. Nay, I verily believe, that if I should grant all and every one of the sixty four *Propositions* asserted in that *Treatise* to be true, yet nevertheless whatsoever I have laid to Mr. Baxter's charge in that *Letter* of mine, would be true also; so that I cannot chuse but wonder that he should

should say, as he does in the aforesaid Preface, *That this particular Treatise of scandal or evil by accident was purposely written to answer the gross mistaking charge of Bishop Morley*: whereas the *Title page* to that *Treatise* saith no such thing, neither is that wherein he saith the Bishop is so grossly mistaken to be found either *in terminis terminantibus* or *aequipollentibus* (either in downright terms, or in words that imply as much) in the whole *Treatise*.

If it be replied, that as the general *Preface* to the whole bundle of *Treatises* called *The second Part of the Nonconformists Plea* tells me, that I am the man that am guilty of so gross a mistake; so that the *Title page* to that particular *Treatise*, We are now speaking of, (though not *explicitly* and formally, yet *implicitly*, and intelligibly enough) tells me what it was wherein I was so grossly mistaken, namely, *in misreporting the Nonconformists judgment of things sinfull by accident*.

That gross mistake, what it is.

I rejoyne (*first*) that unless Mr. Baxter thinks that every body is obliged to read all that he Writes, he could not rationally presume, that a man of my age, and one that had so little time left to spare from his more pressing and more important concerns, was likely to enquire after every Book that came out in Print, and to see whether he was concerned in it or no; and it seems Mr. Baxter thought so, and therefore sent me by Mr. Walton that Book, in the Preface whereunto he saith he did *purposely write that Treatise in answer to the gross mistaking charge of Bishop Morley*; which I had never seen nor heard of before, nor perhaps should ever have seen or heard of it at all, if Mr. Baxter himself had not sent it to me; and which if he had sent me sooner, I would

No man bound to read all Mr. Baxter writes.

not

Mr. Baxter's
ingenuity.

not have said as I have done in the foregoing Chapter, that he had not given so much as any one Instance of the *many mistakes* he saith there were in my printed *Letter*, as indeed he did not where he
a speaks of them to me; nay, he saith he had laid aside an Answer he had written to that *Letter for peace sake*, that he might not by *opening* or publishing so many mistakes of mine, give me any farther cause of being displeased with him. And yet two years before (mark the ingenuity of the man) he had
b published a whole Book, consisting of sixty four *Propositions* besides *Quæries*, purposely intended then, (though he doth not say so in plain terms, till two years after) for an *Answer to Bishop Morley's gross mistaking charge*; though neither then nor since, neither there nor any where else hath he yet told us what that gross mistaking charge is, but leaves it to be guessed at or collected out of the *Title page* to that *Treatise*, which he saith he purposely writ for an Answer to it; wherein whether he hath dealt justly and candidly either with me or with his readers, I am now to consider and examine, after I have premised out of what I have already said two or three short preliminary *Observations*.

Three Observations from what hath been said.

Whereof the *first* is this; That it was not, nor could not be *for peace sake*, nor because he would not give me any farther provocation, (as in his *Preface* to his Book of *Concord* he pretends it was) that he laid aside the Answer he saith he had made to my printed *Letter*; for then, he would not without any farther provocation on my part, have afterwards printed a whole Book on purpose to convince me of one of the many mistakes in that *Letter*, or rather to expose me to the World, for having been guilty of so gross a mistake as he calls it. A

A *second* observation is this, That naming but one of those **many mistakes** he saith there were in that *Letter* of mine, he doth implicitly confess that he could name no more ; because by aggravating that as much as he can, he declares he would not have forborn to specify the rest, if there had been any more to be specified.

And consequently (which I would have to be observed in the *third* place) That if this which he calls a **gross mistake**, be no mistake at all of mine, but a very great Mistake , or rather a very great Calumny of his, as I doubt not but I shall prove it is, Mr. *Baxter* had no reason to charge that *Letter* of mine with so many mistakes, nor I any reason to thank him for concealing of them.

C H A P. IV.

His dreadfull Title page, wherein he ushers in this Charge, examined and retorted upon himself.

NOW whether that which Mr. *Baxter* calls a *gross mistaking charge* be indeed such a charge as he would have it to be believed it is, he should in the first place have in plain and expresse terms set down that charge of mine, as I have set it down myself in that *Letter*, wherein he saith *that gross mistaking charge* is. He doth not set down the charge in plain terms, but leaves it to be guessed.

For in all debates betwixt rational and ingenuous men (whether in point of *opinion*, or in matter of *fact*) the *τὸ κερόμενον* or thing in question, ought to be clearly stated, and agreed on, betwixt the differing

fering Parties, before they can proceed to the proving, or disproving of any thing that is in difference betwixt them : But this (as I said before) Mr. *Baxter* hath not done, but onely affirmed that such a gross mistaking charge there is of Bishop *Morley's*, and that he hath written and published such a *Treatise* in answer to it, leaving his Readers (as I said before) to guess at what that *Charge* is, or rather what he would have it thought to be; and that is (as may be collected from the *Title page* to that *Treatise* which he calls an Answer to that charge)

The Title page is the Treatise, wherein he pretends to answer it.

the *Bishop's* misreporting the judgment of *Nonconformists* of things sinfull by Accident, to make men believe that the *Nonconformists* Asserted, That whatsoever may be the occasion of sin to any, must be taken away; or that nothing may be imposed, which men may take scandal at, or by Accident turn to sin. And he adds, That to save mens Souls from the guilt of believing this misreport, the *Treatise* following, (saith the Title page) was published ; as likewise to help those to repentance, who have polluted their Souls with falshood and uncharitableness by believing and seconding such reports.

Written in as dreadfull a style, as any Pope's Bull.

This I say is the *Title page* prefixed to the afore-said *Treatise*, and a very notable one it is. Never any *Pope's Bull* came forth with a more dreadfull bellowing against all that shall say, write, preach, print or report, or that shall believe any thing that is said, written, printed, preached or reported by any body else, concerning any of the *Nonconformists*, though never so truly, or never so well attested, if any *Nonconformist*, especially such a one as Mr. *Baxter*, one of the *οἱ δοκῶντες στῦλοι εἶναι*, one of those who seem to be Pillars, shall please to disown it :

it; For in that case (saith Mr. *Baxter*) not onely the reporting any such thing is a gross mistake, but the *believing* such a report doth so pollute mens Souls with falshood and uncharitableness, that they cannot be saved from the guilt thereof, unless that ensuing *Treatise* of his do help them to repent of it. So dangerous a thing, it seems it is, not onely to report, but to give credit to any thing that is reported to the prejudice either of the *doctrine* or *practice* of any of the *Godly party*; as if they could not err in either, which is in effect to assume unto themselves a more than *Popish Infallibility*, which is the worst of the *Popish* errors, as being the ground and foundation of all other heresies or errors that are held by them. And yet they that would be thought the most zealous *Antipapists* do really, though not professedly, sympathize with the *Papists* in this which is the Root, and in several of the most pernicious Branches, and false doctrines, growing out of this Root, as appears speculatively by Mr. *Baxter's Politick Aphorisms*, and practically by what was acted by the *Nonconformists*, before, and in, and after the late *Rebellion* against the *best of Kings* by the *worst of Subjects*; I mean during the *Usurpation* of the Sovereignty, first by both Houses, and then by one of the Houses of *Parliament*, and afterwards by *Cromwell*, and his Son, and lastly by the *Rump* or the sag-end or worst part of but one of the two Houses.

Our zealous
Antipapists
take up many
of the Popish
principles.

Again, as they sympathize with the *Papists* in some of the worst of their *doctrines* and *practices*, to draw more to them, so they imitate them also in making use of the same *arts* and artifices for keeping of those whom they have made their *Pro-*

They have the
same arts of
keeping their
Proselytes.

feltyes from revolting from them : For as the *Romish Confessours* do terrifie and fright their *Converts*, by forbidding them upon the penalty of being guilty of mortal sin, to hear or reade, and much more to give any credit to any thing that is written or spoken to confute or disparage any of their doctrines or practices ; so I know not what other ends Mr.

Mr. B's end in
this Title.

Baxter could have in prefixing so terrifying and terrible a Title to so petty a Treatise, but to fright those that have been seduced by him, from making use of their own reason to bring them into the right way again, by hearkening to, or believing of any thing that is or can be said or written by any of us to his prejudice, or to the prejudice of any thing that hath been asserted by him, by telling them beforehand, that it is no less than a damnable sin, to believe that he, or the *Nonconformists*, asserted any such thing, as Bishop *Morley* by a gross mistake imputes to him, and the rest of the *Nonconformists*, and therefore that he writ the following Treatise *on purpose partly to save mens Souls from the guilt of believing, and partly, to help them to repentance, that have polluted their souls by believing that gross mistake or misreport of the aforesaid Bishop.* Whereunto he adds in another place, *that it was the fear he should die with the guilt of silence upon him, if he had not published the aforesaid Treatise in order to the aforesaid ends, that made him write it and publish it ; as if the salvation of so many mens souls had depended upon it, which if Mr. Baxter himself did believe to be true, then wo be to all those that died in the belief of the truth of Bishop Morley's charge before the publishing of this Treatise, and wo to Mr. Baxter himself for publishing this Treatise no sooner.* For the

If it be so as
he says, he
was highly to
blame for not
publishing
this Treatise
sooner.

the first Edition of this his admirable both *περὺ-
λαχλινὸν* and *στεραπεινικὸν*, of this his sovereign both
Antidote to prevent, and *Restorative* to recover those
Souls that were otherwise in danger to be lost for
ever, for believing, or for not repenting their belief
of Bishop Morley's charge, was not published untill
the year 76, which was 14 years at least after *N.B.*
Bishop Morley's charge was printed. And how did
Mr. Baxter know, but that many hundred Souls
during that long interval might be infected with
that so dangerous a sin of believing the truth of that
Charge, and die in that belief without repentance,
merely for want of being helped to it by this so effi-
cacious or *none-such* a remedy, as is prescribed by him
in this *Treatise*?

Again how could Mr. Baxter himself tell but that
he might have died in less than 14 years, (which is
double the age of a man in *Law*) especially consider-
ing the dying condition he so often tells us he is in,
and was in many years before? And then I would
fain know, how his deferring so long to publish this
so sovereign an Antidote and Remedy against so
malignant, and Soullkilling a disease, could consist
either with the charity he owes to other mens Souls,
or the care of his own? For if it be true that when
he did publish it, it was (as he tells us it was) *For
fear of dying with the guilt of silence upon him*; why
should not the same cause have produced the same
effect sooner? Truly Mr. Baxter had little care of
his own as well as of other mens Souls in the mean
time, if he himself believes what he would have
other men to believe, namely, that the believing
of Bishop Morley's mistaking Charge is of so very
dangerous a consequence to those that die without
repent-

*Upon his own
account as
well as others.*

*His design to
draw an odi-
um upon the
Bishop from
all the Non-
conformists.*

repentance for their believing of it. And therefore I verily believe that this was but an hyperbolical strain of Mr. *Baxter's* Rhetorick, to enhance the grossness of Bishop *Morley's* mistaking Charge, and to make his Readers more averse from believing of it; and withall, to make the *Bishop* himself the more odious to all the *Nonconformists*, by insinuating, that what the Bishop had affirmed to be the assertion of Mr. *Baxter*, he had affirmed to be the judgment of all the *Nonconformists*. For why else doth he entitle the *Treatise*, which he saith was purposely written to Answer that gross mistaking Charge of Bishop *Morley*, why doth he intitle it I say, *The judgment of the Nonconformists*? as if what I had laid to his charge, I had laid to the charge of all the *Nonconformists*; or as if what I had said he had maintained in the Conference at the *Savoy* concerning things sinfull *per Accidens*, I had said, all the *Nonconformists* had maintained it also; which I never said, nor never thought they did.

CHAP. V.

Mr. B's Assertion of things sinfull by Accident not charged by the Bishop upon all or any of the Nonconformists, as he pretends it to be. The English and Scotch Presbyterians censured. Why all Religions tolerated in Holland.

FOR indeed I know not what the judgment of *Nonconformists* (if by *Nonconformists* he mean all the *Nonconformists*) is in this or in any other particular, except it be in being *Dissenters* from the Government and discipline of our Church, as it is by Law established; no nor what is the judgment of all the *Nonconformists* of any one *species* or kind of them, (whether *Presbyterians* or *Independents* or *Anabaptists* or *Antinomians* or any other of any one denomination) as to this particular. And therefore I could not, I am sure I did not, say this or that was the judgment, or that this or that was asserted by the *Nonconformists*; unless Mr. *Baxter* will say, that He and all the *Nonconformists* are and must be always of the same mind and judgment, and consequently, that what I said was asserted by him, I must needs mean it to be asserted by them all also. As if he were to all the *Nonconformists* what the *Pope* is to all the *Papists*, virtually their whole Church; and therefore as all *Papists* professing to believe as the Church believes, must needs believe as the *Pope* believes; so all *Nonconformists*, because they agree with him in Nonconformity, must therefore needs be of his mind in all things else also; because he takes upon him to be

Mr. B. makes himself the Head of the Nonconformists and their Advocate;

The Bishop of Winton's Vindication

Without their
Commission or
approbation.

be their head, or at least to be their mouth or Advocate General for all of them ; as appears by the Title he gives to those two Books of his, which he calls *The first and second part of the Nonconformists Plea for Peace*; as if they all spake by his mouth, or had all of them made him their Proxy to speak for them : which if they have done, why doth he not shew us his *Commission* for it ? which as he hath not done yet, so I am confident he will never be able to doe, no not from *all*, or from the *most* of any *one* party of the *Nonconformists*. Which I am the bolder to affirm, because having sometimes occasionally made use of his Authority in point of *opinion*, and of his Example in point of *practice*, for the convincing of some both *Presbyterians* and *Independents*, who by their practice seemed to be of another judgment in diverse things, than he was, I found that what he said or did signified little or nothing unto them : Nay, they told me in plain terms, that I was very much mistaken, if I thought that Mr. *Baxter's* either judgment or practice was of so great weight with them, as for that reason onely, to make them alter their own either judgment or practice in any thing whatsoever : So that it doth not follow, that because Bishop *Morley* in that printed Letter of his saith that this or that was Mr. *Baxter's* Assertion, therefore he said, or must be understood as if he had said, it was the assertion of all or indeed of any other of the *Nonconformists* but of Mr. *Baxter* himself onely. Of any other I say ; for I did not so much as charge both or either of those *two Nonconformists*, that were Mr. *Baxter's* Assistants at that Conference with asserting what he asserted. Nay, I do in that Letter of mine discharge them both from concurring with

His two As-
sistants at the
Savoy confe-
rence dis-
charged from
that Assertion.

with him in that *Affertion*, which I lay unto his charge, though he saith, *he concurr'd with them in it*. I charge *him* with it, because (as I tell him in my printed *Letter*) he did often affirm and declare it to be his; and I discharge *them* from it, because neither of them did affirm or declare it to be theirs, but rather seem'd to dislike it, and to dissent from him in it.

But why then (will he say) do I say *Crimine ab uno disce omnes*, From ones ill carriage you may know the rest; which seems to imply that what I charge upon him I charge upon his whole party, as I do indeed, but not in that same place, nor speaking of the same mater, but for their censuring and condemning all other *Protestant Churches* in the World as well as ours, as Mr. *Baxter* did expressly at the Conference aforesaid, because *They* as well as *We* refuse to give the Communion to those that will not receive it so, as by publick order it is to be received. And it was upon account of this proud, peevish and censorious humour (of which I take all the *Nonconformists*, and amongst them the *Presbyterians* especially, to be more or less guilty) that I then (taking Mr. *Baxter* to be a *Presbyterian*) said *Crimine ab uno disce omnes*; that is, By one man's ill temper you may know the whole party.

The Nonconformists condemn all Protestant Churches.

But then as by *Omnes* All of them, I did not mean all the *Nonconformists*, so I did not mean all the *Presbyterians* neither, but those of *England* and *Scotland* onely; all foreign *Presbyterians*, that allow of and practice *Calvin's Scheme* of Discipline and Government of the Church, agreeing with us against our *Presbyterians* in the main difference betwixt us and them; namely that as it is in the power of a Na-

All the Presbyterians abroad agree with us in the main point against our Presbyterians.

tional Church, to appoint and prescribe to those of her own Communion the usage of such indifferent things, as she shall think to be most for order, decency and edification in the publick service and worship of God; so it is in her power also, to oblige all of her Communion, to the use and observation of all such indifferent things after they are prescribed and enjoyned (as long as they continue to be so) under the penalty of *Excommunication*, or of being excluded out of the Society or Communion of that Church, if they do not comply, and much more if they preach or write against any such orders or ordinances, as are made by publick Authority, or by the Representatives of the whole Society: and most of all, if they deny the Churches power to ordain and enjoyn any such orders or ordinances; of all which Crimes, or degrees of the same crime, no other *Presbyterians* are guilty (for ought I know) but those of *England* and *Scotland* onely; or if perhaps some be, they are excluded from Communion with the National Church wherein they live as well as *Nonconformists* are with us here in *England*; so that in *Holland* it self (where it is said any man may chuse his own Religion, or be of what Religion he will) no man that will not subscribe to the *Synod of Dort* in Rituals as well as Doctrinals is, or can be admitted to be a member, and much less a Preacher in that Church: no nor to the exercise of any Office Civil, or Ecclesiastical in their Church or State. It is true, they suffer men of all Religions to live amongst them, *Lutherans* as well as *Calvinists*, *Arminians* as well as *Anti-arminians*, nay *Papists* as well as *Protestants*, and *Jews* as well as *Christians*, but not as members of their

Why all Religions tolerated in Holland, and how.

their Church who are *Calvinists*, and *Calvinists* onely. The rest indeed beforenamed are some of them conniv'd at, and some of them permitted to have their Meetings and preaching after their own way, but it is at their own charge, and severely punishable if they preach or print any thing to the reproach or scandal of the *Religion* allowed of and established by the *State*.

We wish no more, will our *Seſſaries* perhaps say, Let us have but so much liberty as this upon the same terms, and We will thank God and you for it. But what security will you or any of you give us, that when you have that liberty, you will not all of you joyn together to destroy our *Religion*, though you know not what to set up instead of it? We see you have done so once already, and attempted it often both before and since, and why may not you do so again? For the *Laws* were against you then, as much as they are now, and so was the *King* too. And therefore granting such a *Tolerati-*
on of several Sects of Religion, or ways of Belief and Worship, as there are in *Holland*; it is not possible (humanely speaking) to secure the publick peace either of *Church* or *State*, but by keeping up a standing *Army* of thirty or forty thousand men always in pay (even in times of peace) with a powerfull *Fleet* at Sea, as the *Hollanders* do to secure themselves from Insurrections at home, as well as Invasions from abroad. Now whether the People of *England* will be content to be at such a Charge, and to live under such a Government, those that would have such a *Liberty of Conscience*, or *Toleration of Religion* as there is in *Holland*, let them enquire

Such Toleration not practicable without the charge of a standing Army.

enquire of the peoples Representatives, and Petition them to that purpose at their next meeting.

In the mean time all their *Pleas for Peace* are but sowing the seeds of War, or like *Cadmus* sowing the serpents teeth, which presently grew up to so many armed men, and presently fell a cutting one anothers throats; which though it will not be the first work the *Sectaries* will doe, yet it will come to that at last.

For preventing whereof, considering the nature of man, and the animosity, and the irreconcilableness of differences in *Religion*, there is no other way to secure the publick Peace either in *Church* or *State*, no nor the several *Sectaries* themselves, from outraging and destroying one another, but either the suppressing of them all, by execution of the Laws that are or may be made against them, or by overawing of them all by such a standing force, as may be always ready and able to keep them from joyning together against the Government, or to dissipate them if they should joyn.

*The necessity
the Hollan-
ders lie under
of keeping up
a standing
force at Land
and Sea.*

But if the safety of the *Government* might be preserved and secured by either of the two aforesaid Ways, why did not the *States* of the *United Provinces*. (may some men say) make use of the former, rather than the latter of these Expedients, in order to that end? I answer, because they were always after their revolt from *Spain* in danger of Invasion from abroad, as well as of differences and divisions among themselves at home; and therefore, there was and always will be a necessity of their having and keeping up such a force both at Land and Sea, for their own defence against their potent and confining Enemies, as could not possibly be supported and

and maintained, but by so vast an Income of Revenue as was not to be expected from so small a Territory as theirs is, though never so industriously husbanded, or thriftily managed, without the help of many more hands, than their own to work and fight for them; and of many more mouths than their own, to consume what the Commodities of their own growth and their trading with other Nations brings in to them; together with the product of that Consumption by the *Excise* that is laid upon all things that are eat, or drunk, or worn, or bought or sold amongst them: And hence it is, and from other *Taxes* and Impositions (which are greater than any that by the *Turks* are imposed upon the *Christians*) which all that live amongst them are subject to, that they are able to maintain such *Armies* and *Navies* as they do and must do for their defence against any sudden and powerfull Invasion of them by their enemies that lie round about them; and this makes them not onely to suffer as many as *will*, but to invite and incourage as many as they *can*, to come and live there, by letting them to be of what *Religion* they please amongst themselves (so they contribute to the publick Charges as well as they who are of the Religion of the Countrey) because the more mouths they have to eat and drink, the more hands they are able to keep in pay, to oppose any Invasion from without, and withall to suppress and prevent any Commotion or Insurrection from within also. So that there the *Toleration* of so many *Sects* and *Sectaries* as are amongst them, is not onely not dangerous, but in a Political sense very usefull and advantageous to that Government, by helping them to keep up and pay
their.

*Their Excise
and other
Taxes,*

their Army, which otherwise they must have kept up wholly at their own Charges; by which Army, the *Sectaries* that help to keep it up are themselves kept under.

*We under no
such necessity.*

*Provided the
Laws be put
in execution.*

But here with us (thanks be to God) there is no need of having or keeping up a *Standing Army*, to defend us against Invasions from abroad; being naturally fortified and intrenched within so wide and deep a ditch as cannot be passed on a sudden to surprise us, nor at all with such a Force as may very much indanger us, but We shall hear of it time enough to provide against it, by joyning all of us (I mean all the whole Nation) together to oppose it, as certainly all of us, (unless we be mad, or worse than mad) shall do upon such an occasion, when our lives, our Wives and all that We have are at stake. And therefore (I say) We need not always be at the Charge of keeping up an *Army*, against any foreign Enemy, having the Sea for our Wall, and our Ships for our Bulwarks, nor for the preventing of any Insurrection or Rebellion at home neither, if the good *Laws* which are already made be put in execution, especially those that are made to secure the established Government both in *Church* and *State*; I mean those *Laws* that are made against all *Recusants* or *Nonconformists*, by what name soever they are specified or distinguished: But if instead of putting those *Laws* in execution, there shall be such a *Toleration* granted here, as there is in *Holland*, there will be a necessity of raising and keeping up such a *standing Army* here, as there is there, though not to defend us against our Enemies abroad, yet to keep peace and prevent a *Civil War* at home, which
2 will infallibly be the product of such a *Toleration*,
if

if there be not always a *Standing Army* to prevent it; and truly if there must be such an Army, it is but reason, that they for the keeping down of whom it is raised and kept up, should be at all the charge of raising and keeping up of it.

CHAP. VI.

The Charge of that Assertion brought home, and laid at his own door.

BUT to return from this long (though I hope not altogether impertinent or unseasonable) Digression, to what I was before speaking of; I say Mr. *Baxter* unjustly chargeth me with charging all, or any of the *Nonconformists*, but himself onely with that which he calls the gross mistaking charge of Bishop *Morley*.

And therefore if all, or any of the *Nonconformists* think themselves injured to have this *Assertion* said or thought to be theirs, they may be pleased to take notice whom they are to thank or to blame for it; it is Mr. *Baxter*, and not Bishop *Morley* that imputes it to them. And if the believing of Mr. *Baxter's* holding and maintaining such an assertion be of so dangerous a consequence, that it puts a man into a state of damnation that doth believe it; then 'Tis to me, and to all that were then there, (I mean at the *Conference in the Savoy*) whether *Conformists* or *Nonconformists*; for all of them as well as I, heard him assert it, and therefore they cannot chuse but believe (whether they will or no) that it was his *Assertion*.

Affertion, because they heard him assert it, and that not once or twice onely but often; nay *Wo* especially, *Wo* be to Mr. *Baxter* himself, who knows it was his *Affertion*; and therefore though he may, and I believe doth repent his asserting of it, yet he cannot disbelieve that he did assert it, though he were never so willing or desirous to do so; for *Nescit vox missa reverti*, A word once spoke is not to be recalled: and he cannot chuse but remember what he cannot forget, having been then, and since, so often put in mind of it: So that Mr. *Baxter* has pronounced a dreadfull sentence against himself, if the believing that he asserted what I charge him with, be not indeed a *gross mistake* (as he calls it) which whether it be or no is now to be considered.

C H A P. VII.

The Assertion charged upon him, laid down in terminis, with its evil consequences.

IN order whereunto We are first to consider, what the *Affertion* was that I charge Mr. *Baxter* withall, He in his *Title page* to the *Treatise* (which he saith was purposely written to answer that Charge) saith it was this (*viz.*) "*Whatsoever may be the Occasion of sin to any, must be taken away; or that Nothing may be imposed which Men may take scandal at, or by Accident turn to sin.* But the truth is that neither the one nor the other of these *Affertions*, was that with which I charged Mr. *Baxter*,
either

either in my Sermon at *Kidderminster*, or in my printed *Letter*; but that *Affertion* which I charged him with, both in my aforesaid *Sermon*, and in my aforesaid *Letter*, was this, and no other but this. viz. "That the enjoying things lawfull by lawfull ²
" Authority, if they may by Accident be the Occasion
" of Sin, is sinfull: From whence, (if it were true) it would follow, that nothing may be imposed, that may by Accident be the occasion of Sin, nor consequently the *Common Prayer Book*, which was then the thing in question; but then it would follow likewise, that nothing at all could be impos'd (as I then told Mr. *Baxter*, and since repeated in my aforesaid *Letter*) by any *Civil*, any more than by any *Ecclesiastical*, nor by any *Divine*, more than by any *Humane* Authority; because there is nothing which either man or God himself hath commanded, but considering the pravity of humane nature, it may by Accident, be the occasion of Sin. Now that this *Affertion*, which draws along with it all these Consequences, was that very *Affertion*, with which I charge Mr. *Baxter* in my *Letter*, and did charge him with in my *Sermon*, appears partly by the *Letter* it self, which I have reprinted, and partly by a Passage in a book Mr. *Baxter* had printed before, which was the occasion of my Writing and printing that *Letter*, and therefore I have reprinted that provoking passage of his also; both which I must desire the Reader of these Papers to peruse beforehand, that he may be the better able to judge whether what I have said already, touching what was the *Affertion* I charged him with, as likewise, what I shall say to prove he did assert it, be true or no; and consequently whether I in charging him with

it was grossly mistaken, or he, in denying he asserted it, be not worse than grossly mistaken. For surely he cannot chuse but know and remember whether he asserted it or no. But *Affirmantus est probare*, (as I said before) It lies upon him who affirms a thing, to prove it; and therefore seeing he denies it, I must prove it.

C H A P. VIII.

Some Account of the Conference at the Savoy, where in the Dispute Mr. Baxter own'd and stood by that Assertion.

AND to that end, it is to be considered what kind of thing it is, which is in question betwixt us; it is not *matter of dispute*, either *Speculative*, or *Practical*; (as that was, which was in question betwixt our Disputants and him and his Assistants, at the *Savoy-Conference*) but a mere *matter of fact*; namely, whether he did then and there assert, what I in my printed *Letter* do affirm he did then and there assert, or no: which being (as I said before) mere *matter of fact*, is not to be proved or disproved by *Metaphysical notions* or *Logical distinctions*, but by the Testimony, *pro* or *con*, of Witnesses, that were then and there present, and such, as against whom there lies no exception; such, I am sure, I have produced to prove my *Affirmative*, as appears by their Subscriptions to my printed and reprinted *Letter*.
And

The thing charged upon Mr. B. matter of Fact, and prov'd by Testimony.

And this *Testimony* of theirs, to prove my *Affirmative*, was by me produc'd and published, presently after Mr. *Baxter* had complain'd in print to those whom he calls his Parishioners of *Kidderminster*, (though they were never so legally) that what I had said of him in a Sermon to them, *was not true, but onely made use of by me, to defame him, that so he might seem to be justly prohibited by me to preach the Gospel.*

Presently (I say) after this his printed complaint of me, I printed that *Letter* of mine, partly to vindicate and confirm the truth of what I had said, or rather meant of him (for I did not name him) and partly to justify my self for silencing of him, which was not for what he had said at the *Conference* in the *Savoy*, or for what I said in my Sermon he had said there, but upon another account; namely, for preaching in my *Diocese* before he had obtained or asked any leave to doe so, as is fully declared and proved by the aforesaid *Letter*; which though it was written and published for both of the aforesaid ends, yet that *Attestation* subscribed and annexed to it, as it was at first printed, so it is now reprinted again, not to justify my silencing of Mr. *Baxter*, or to prove that what he had said at the *Conference*, was the cause of his being silenced by me, but onely to attest the truth of what I had said in my Sermon first, and afterwards in my printed *Letter*; Mr. *Baxter* had said or asserted in the aforesaid *Conference*, which affirmation of mine and attestation of theirs (if it had not been true, and generally taken and acknowledged to be so) why in all this time (it being twenty years since that *Letter* of mine with

The Bishop's
Letter when
and why
printed.

The Attestati-
on why an-
nexed to it.

No notice taken of it for twenty years.

that *Attestation* of theirs was first printed) why I say in all that time, hath none, no not so much as one of all the *Nonconformists* that were present at the *Conference*, ever as yet appeared, either to deny the one, or to disprove the other, except Mr. *Baxter* himself onely? Nor he himself neither, till the very last year, that is, not till his *Second part of the Nonconformist's plea for Peace* was printed. For in the Preface of that Book it is, that Master *Baxter* first tells the World and me of the gross mistaking charge of Bishop *Morley*, meaning (as I suppose) my charging of him, and consequently (as he thinks, or rather would have it to be thought) all the *Nonconformists* with this Assertion, *That a Command of a thing lawfull in it self, by lawfull Authority, if it may by Accident be the occasion of Sin, is unlawfull; and consequently that no such thing ought to be imposed; or if there be any such imposition, it ought to be taken away.*

The Consequences of Mr. B's Assertion.

The *first* of which three *Assertions*, I acknowledge to be that which I charge Mr. *Baxter* with; but not all, or any other of the *Nonconformists*, besides Mr. *Baxter* himself. The two *last* are not charged upon him by me, but are his own Collections from that I charge him with, as being indeed the necessary Consequences of it. For if the command of a lawfull thing by lawfull Authority be unlawfull, if it may by accident be the occasion of Sin, then indeed it will necessarily follow *first*, that there ought to be no such Command or Imposition; and *secondly* too, that if there be any such Command or Imposition, it ought to be taken away. For *Uno absurdo dato, mille sequuntur*; that is, If you grant one absurdity, a thousand will follow at the heels

heels of it: and from this Topick he may conclude against the lawfulness of any Command whatsoever, as I said before, and as I then told him. Whereupon (as it is in my *Letter*) when I first charged him with the horrible consequences of this *Affertion* of his, he denyed the *Affertion* it self; I mean, he denyed that he had asserted it, untill the very words of it, which he had written a little before with his own hand, were produc'd and read before all the Company; then indeed he added another reason, why the Command of a lawfull thing by lawfull Authority, might be unlawfull, namely if it were commanded under an unjust penalty; Whereunto he afterward added another, or a 3d reason also, namely, if the Evil *per Accidens* were such as was foreseen, and ought to have been prevented or provided against by the Commander. But neither of these two last or additional reasons did make him quit or forego his first: For it was *that*, and onely that which he stuck to at last, when his other two reasons were by our Disputants wrested from him, or made useles to him; as may appear to any rational man, that will but cast an eye upon their Arguments and his Answers to them, as they are annex'd to my *Letter* at the end of it, where he shall find that our Disputants, being to prove, that what our Church commands to be done in the publick service of God by those of her Communion, was lawfull for her to command; Their first *Argument* was this, (*viz.*)

His Assertion written with his own hand.

The first Argument at the Savoy Conference.

That Command (supposing it to be the Command of a lawfull Superiour) which commands an Act in it self lawfull, and no other act or circumstance unlawful, is not sinfull.

But

The Bishop of Winton's Vindication

But such were all the Commands or Injunctions of our Church in the book of Common-Prayer. Ergo, &c.

I Subjoyn the *Minor* to the *Major* of this *Syllogism*, because by Mr. Baxter's not denying of the *Minor*, which every one believed and expected he would have denied, he seems to grant that to be true; and consequently that there is nothing in that Book enjoyned or commanded by our Church, but what is lawfull in it self; otherwise no doubt he would have denied the *Minor*, rather than the *Major*; but (as I said before) he denied the *Major*, first because that may be a Sin *per accidens*, which is not so in it self, and therefore the command thereof may be unlawfull, though that Accident be not in the Command: This (I say) was the *first* reason he gave for his denying of the *Major*, as he himself confesseth in his printed *Address* to those of *Kidderminster*. Afterwards indeed, upon my urging him with those horrid consequences of such an *Affertion*, he added another reason for his denying the *Major*, or for his denying the lawfulness of the command of a lawfull thing by a lawfull Superiour, namely, if it were commanded under an unjust penalty; for the invalidating or nullifying rather of which second reason, our Disputants second *Syllogism* was this,

"That Command which commandeth an act in it self lawfull, and no other act whereby any unjust penalty is enjoyned, &c. is a lawfull command.

But that which the Church commands is in it self lawfull, and is not commanded under an unjust penalty, Ergo &c.

And here again, one would have thought Mr. Baxter would have denied the *Minor*, but he did not; and therefore

Mr. B's reason for denying the Major,

The 2d. Syllogism.

therefore as his not denying the *Minor* of the first *Syllogism*, was in effect a Confession, that our Church commands nothing in that Book but what is lawfull in it self, so his not denying of the *Minor* of the second *Syllogism*, is in effect, a confession also, that the Church enjoyns nothing in that Book under an unjust penalty: for still the Proposition he denies is the *Major* in this Syllogism, as well as in the former, without taking any exception to the *Minor* in either of them.

But why did he deny the *Major* of this Syllogism? or what reason or reasons did he give for it? Why the very self same, and no other than he gave for his denial of the former; namely, because the first Act commanded may *per Accidens* be unlawfull, and be commanded under an unjust penalty; which in plain terms, is all one as if he had said, The Command of a thing lawfull in it self is sinfull, because a thing lawfull in it self may by Accident become sinfull (which is the very Assertion I charge him withall) or because a thing commanded under no unjust penalty, may be commanded under an unjust penalty; Whereas our *Major* Proposition, which he denied, asserts the lawfulness of such a Command onely, as is commanded under no unjust Penalty.

Yet because there was one starting hole more, which Mr. *Baxter* might think to get out at; namely that though the thing commanded were lawfull in it self, and though it were commanded under no unjust Penalty, yet if by Accident it might be the occasion of such an evil as the Commander ought to provide against, the commanding of it must needs be sinfull and unlawfull; to stop up this gap, or starting

Mr B. denies the Major again, and his peevish reason for his so doing.

Another starting hole of his.

starting hole (I say) our Disputants added a third *Syllogism* to the former, of which the *Major* Proposition was this,

The 3d. Syllogism.

"That Command which commandeth an Act in it
"self lawfull, and no other Act whereby any unjust
"penalty is enjoined, nor any circumstance whence di-
"rectly, or per Accidens any Sin is consequent, which
"the Commander ought to provide against, hath in it
"all things requisite to the lawfulness of it, and par-
"ticularly cannot be guilty of commanding an Act per
"Accidens unlawfull, nor of commanding an Act under
"an unjust penalty:

"But such are all the things commanded by our
"Church in the aforesaid Book. Ergo--&c.

*Mr. B. in ef-
fect grants
the Premises
and denies
the Conclu-
sion.*

And here again Mr. Baxter without excepting against the *Minor* Proposition, denied the *Major*, without giving any other reason for it, but what he had given before; which was in effect to grant both the *Premises*, and deny the *Conclusion*: for the *Major* is so self-evident a Proposition, that We thought he that could have the confidence to deny it, was not a man any longer to be disputed with.

The Attestation made by Dr. Gunning and Dr. Pearson never so much as questioned.

Now that these were our *Arguments*, and that these were his *Answers*, written, and given in with his own hand, appears by the attestation of Dr. Gunning now Bishop of Ely, and Dr. Pearson now Bishop of Chester, and then both of them the *Primarii Professores Theologiae* (the King's and the Lady Margaret's Professours of Divinity) in the University of Cambridge, and two of the three Disputants for the *Common-Prayer-Book* against Mr. Baxter and his Assistants; which *Attestation* of theirs being printed and published twenty years ago, and never since contradicted, or so much as questioned by any of the

the contrary party, no not so much as by Mr. *Baxter* himself, to this day, I hope there needs no other proof of the truth of it. And if that *Attestation* be true, then it is evident, that Mr. *Baxter* did affirm and maintain as well as he could, from first to last, in the Conference, *That the command of a thing lawfull in it self, by lawfull Authority, was unlawfull, if by Accident it might be the occasion of Sin*; though it were not commanded under an unjust penalty, and though that evil, whereof it might be the occasion by Accident, were not such as the Commander was obliged to provide against; For all this he that denies the aforesaid *Major Proposition* of the last of the aforesaid three *Syllogisms*, as Mr. *Baxter* did, must needs grant, and consequently must he needs grant and assert also, (if he will not contradict himself) That any command of any thing though never so lawfull in it self, by what Authority soever it is commanded, is unlawfull, if it may be the occasion of Sin though *per Accidens* onely; and though that Accidental Sin or evil be such, as the Commander either did not, or could not foresee, or was not obliged to provide against it: For all this is consequentially and necessarily affirmed and asserted by him that denies the aforesaid *Major Proposition* for no other reason, but because the Command may by Accident be the Occasion of Sin. But if Mr. *Baxter* shall say he gave another reason for his denial of the aforesaid Proposition, namely, that such a Command, though never so lawfull in it self, might become unlawfull, if it were commanded under an unjust penalty; I confess he did, but most illogically and irrationally; because one of the conditions of the Command which the Proposition affirms, and Mr. *Baxter* denies to be lawfull, is, that

The Assertion
charged home
upon Mr. B.

it must not be commanded *under an unjust penalty*, and the reason why Mr. *Baxter* denies it to be lawfull, is, because it is or at least it may be commanded under an unjust Penalty : which is all one as if he had said that which is not so, is so, because it may be so.

This reason therefore being so expressly excluded as it is from being any reason at all why the Proposition which Mr. *Baxter* denied should be, or could be denied with any shew or colour of reason, there was nothing left him to resort to or rely on as his last refuge, but his first reason; namely, because such a command, though it was not commanded under an unjust penalty, yet it might be the occasion of Sin *per Accidens*, and therefore unlawfull to be commanded; which being given for a reason for his denying of the aforesaid Proposition of the last Syllogism, he could not mean it of such an evil *per Accidens* as that the commander ought to provide against, because it was another of the Conditions expressly required by the *Proposition* it self, to make a Command lawfull, that as it should not command any thing evil in it self, so it should not command any thing neither though never so good in it self, that might by accident be the occasion of such an evil, as the Commander ought to prevent or provide against; so that the occasion of evil in that sense *per Accidens*, could not be the reason why Mr. *Baxter* denied the Proposition; and therefore by evil *per Accidens* in relation to this Proposition and his denial of it, he must needs mean such an evil *per Accidens*, as was neither commanded under an unjust penalty, nor such as the Commander was obliged to hinder or prevent. Whence it follows that
Bishop

Bishop Morley's charging him with asserting, *That the command of that which is lawfull in it self is unlawfull, if it may by Accident be the occasion of Sin,* was not, as Mr. Baxter saith it was, a gross mistake, or any mistake at all, though he had not asserted it *in terminis*, or in exprest terms, as he did often when he gave it for the first of his reasons why he denied the Major Proposition of the first of the aforesaid Syllogifims.

The Bishop's charge against Mr. B. no gross mistake.

CHAP. IX.

His instances of Things lawfull in themselves, becoming unlawfull by Accident, Impertinent to the present business.

FROM hence it follows likewise that all those *Instances* (which Mr. Baxter assigns and alledges in his Narrative to his friends at *Kidderminster*, to free himself from the *Affertion* I charge him with, and which his denial of the aforesaid Proposition doth necessarily and manifestly convince him of) are all of them *frivolous* and *impertinent*, and not so onely but *fraudulent*, and *scandalous*, and *injurious* also; I mean those instances which he gives of such evils *per Accidens*, as make the Commands of things good and lawfull in themselves to become evil and unlawfull.

As, saith he, *To command out a Navy to Sea, is not unlawfull in it self, but if it were foreseen they would fall into the enemies hands, or were like to perish*

Mr. B's Instance of commanding out a Navy to Sea.

The Bishop of Winton's Vindication

*Of selling poy-
son.* "by any Accident, and the necessity of sending them
 "were small or none, it were a Sin to send them.
 "Again (saith Mr. Baxter) it is not unlawfull of it
 "self to sell poyson, or to give a knife to another, or
 "to bid another to doe it, but if it were foreseen (he
 must mean by him that sellsthe poyson, or gives the
 "knife) that they will be used to poyson or kill the
 "buyer (he might have added, or any body else)
 "it is unlawfull. He goes on and saith, It is not of
*Of lighting a
candle.* "it self unlawfull to light a Candle, or set fire on
 "straw, but if it may be (he should have said if it be)
 "foreknown (to him) that by another's negligence or
 "wilfulness it is like to set fire to the City, or give
 "fire to a train of Gun-powder that is under the Par-
 "liament House when the King and Parliament are
 "there, I crave the Bishop's pardon (saith he) for
All granted. "believing it were Sinfull to doe or command it. You
 have it, Mr. Baxter, you have the Bishop's pardon
 not onely for believing as you say you do in this
 last, but in all the former particulars which you in-
 stance in also: And I do assure you the Bishop be-
 lieves them all as much as you do, and so I am
 confident do all the *Episcopal Party in England*;
 for they are all of them notoriously and unquestio-
 nably true; and are undoubtedly sufficient to prove
 the Command of a thing lawfull in it self to be un-
 lawfull, if the Commander foresees it will be by Acci-
 dent the cause or occasion of such an evil or mischief
 as he ought to prevent.

*Nothing to
the purpose.* But what is this to the proving the Command of a
 thing lawfull in it self to be unlawfull, if it may be by
 Accident the cause or occasion of some such evil as the
 Commander doth not foresee, or is not bound to pre-
 vent? For such a Command it must be, that Mr.
 Baxter

Baxter by his denial of the *aforesaid Proposition* is obliged to prove to be unlawfull; and therefore the more of such Instances as these he doth or may alledge, the more he seems to prevaricate in his own cause, and to argue against himself; just as I have heard a Pleader at the Barr did in *Westminster Hall*, — when the Judge interrupting him, said to him, *You, such a one, if you love your Client or his cause, speak no more; for you are all this while speaking against him, though you think you speak for him*: The like may I say of *Mr. Baxter*, and of his Instances, because they do not onely not disprove, but prove and confirm the truth of my Charge against him. For if it be the Commander's foreseeing, and being obliged to prevent such an evil or mischief as his Command will be (though but *per Accidens*) the occasion of, that makes his command to be unlawfull; then if the Commander do not foresee it, or be not obliged to prevent it, the Command is not unlawfull; as *Mr. Baxter* by his denying of the *aforesaid Proposition* must needs conclude it was; so that all his *aforesaid Instances* are (as I said before) *frivolous* and *impertinent*, as to the disproving of my Charge against him, or to the proving of it to be a *gross mistaking Charge*, as he saith it is.

Mr. B's prevarication.

The charge against him stands good.

CHAP.

CHAP. X.

His other Instance of Kneeling at the Sacrament, as imposed by an unjust Penalty, were it true, reacheth not his Case.

His Instance of kneeling at the Sacrament as frivolous;

Supposing an unjust penalty;

And so is the other *Instance* of his likewise which makes the two reasons (which in his *fore*said Answer he did severally insist upon) to be but one, namely, "*Supposing* (saith he) *to kneel at the Sacrament to be never so lawfull in it self, if it be imposed by a penalty incomparably beyond the proportion of the offence, that Penalty is an accident of the Command, and maketh it by Accident sinfull in the Commander.* This instance I say of his, though he speaks of it as very pertinent and argumentative, yet is it as *frivolous* and *impertinent* as any of the former; I mean as to the discharging him from the Charge I charge him with, and which his denying of the *fore*said Proposition proves him to be guilty of. For supposing all that he supposeth in this Instance to be never so true; namely, that the penalty for not receiving the Sacrament is an accident to the command of Kneeling, and supposing too, that penalty to be incomparably beyond the proportion of the offence, and consequently must needs make the command it self to be Sinfull in the Commander of it under such a penalty; supposing all this (I say) to be true: what then? Doth this prove the Command of a thing lawfull in it self and commanded under no unjust penalty to be sinfull in the Commander of it? For this it must prove, or it proves nothing at

at all, as to the discharging Mr. Baxter from what his denial of the aforesaid proposition proves against him. For doth not that proposition say *patēs* or in exprefs words, that "The command which it affirms" to be a lawfull command, must, first, command an "act in it self lawfull; and, secondly, no other Act" whereby an unjust penalty is enjoined; nor, thirdly, any "circumstance whence directly or per Accidens any" Sin is consequent, which the Commander ought to provide against? And yet such a Command so qualified did Mr. Baxter then deny to be lawfull, as appears by the aforesaid subscribed Attestation. And now, what he then denied to be lawfull, though it were not commanded under an unjust penalty, he would by this instance prove to be unlawfull, because it is commanded, or rather because he supposeth it to be commanded under an unjust penalty. *Quo te constringam Protea nodo?* What tye can hold one, who so *Proteus* like shifts his shape? For whether it be or be not commanded under an unjust penalty, the command it seems must be alike unlawfull, if Mr. Baxter and his Disciples list not to obey it, that is, if they themselves are not the Commanders of it.

Again supposing, but not granting Mr. Baxter's supposed unjust penalty for not kneeling at the receiving of the Sacrament to be an Accident to the command of kneeling; I ask him, whether it be such an accident as the Commander ought to provide against, or no? If not, how can it be sinfull in the Commander to command it? or how can it make his commanding of it to be unlawfull? But if it be such an Accident as the Commander ought to provide against, (as indeed every unjust penalty is) then

And supposing such an accident as the commander ought to provide against?

then this *instance* of his is altogether as *frivolous* and *impertinent* as any of his former. For that command which we affirmed, and he denied to be lawfull, and consequently asserted to be unlawfull, was to be such a Command as commanded an Act lawfull in it self, and no other Act whence directly or *per Accidens* any Sin is consequent, which the Commander ought to provide against: But this instance of his, is of such a Command, as is *per accidens* at least the cause or occasion of some such evil, or sin, as the Commander ought or is obliged to provide against. Whereas if he had meant to speak pertinently (in order to the discharging himself from my charge against him) he should have given us an Instance of the unlawfulness of a lawfull command by lawfull Authority, where no evil which the Commander ought to provide against, was any way consequent either directly or by Accident onely. But this he hath not done yet, nor I dare say ever will doe, or can doe, though the *Metaphysical Limbeck* of his brain sweat never so much for it.

C H A P. XI.

Those Instances of his, as they are Impertinent, so they are Fraudulently design'd.

AND thus having (as I suppose) made it appear that all Mr. Baxter's Instances are *frivolous* and *impertinent* as to the proving what I charge him with, to be a *gross mistake*, or indeed any mistake

at

at all, I am now to make it appear also, that those before specified Instances of his, are not onely *frivolous* and *impertinent*, but *fraudulent*, *scandalous* and *injurious*, and (I am afraid) *malicious* also, as to the intention and design of them.

And *first*, they are *fraudulent*, and fraudulent-ly alledged by Mr. *Baxter*, because by all and every of those *Instances*, he would make his Readers to believe that all that he had asserted at the *Conference* in the *Savoy* was onely the unlawfulness of such commands as the Commander of them foresaw would by accident at least be the cause or occasion of some such evil or mischief as the Commander ought or was *obliged to hinder*, or provide against; or of such Commands as were commanded *under an unjust penalty*. For as to make his Readers believe the *former*, he produceth the instances of commanding a *Navy* to Sea by him that foresees it would fall into the enemies hands; and the selling of *Poyson* by him that foresees it will be used to kill the buyer or some body else with it; and of setting *Fire* on Straw, foreknowing that by another's negligence or wilfulness it is likely to set fire on the City or the Parliament-House; as by these and the like instances (I say) he would make his Parishioners at *Kidderminster* and others of his Readers believe the *former*; namely, that when he asserted that the command of a thing lawfull in it self was unlawfull, if it might by accident be the cause or occasion of sin, he meant it onely of such commands where the evil or sin which by accident they would, or probably might be the cause of, was foreseen or ought to have been hindred by the Commander: So by the last of his instances; namely,

The fraudulence of these Instances detected.

The Bishop of Winton's Vindication

Mr. U's design in them.

supposing to kneel at the receiving of the Communion to be lawfull, yet the enjoining of it under an unjust penalty makes the Command it self to be unlawfull; he would make it to be believed that he did not deny the command of a lawfull thing by lawfull authority to be lawfull, unless it were enjoined or commanded under an unjust penalty, such as he supposeth the penalty for not receiving the Sacrament kneeling to be. So that adding this last instance to the former, and considering them one with another, or all of them together, his design in alledging of them must needs be this, to make it to be believed that whereas Bishop *Morley* chargeth him with having affirmed the Command of a lawfull Act by lawfull Authority to be unlawfull, if by accident it might be the cause of sin; all that he said or at least all that he meant was this, that such a Command was unlawfull, if the evil, it might by accident be the cause of, was foreseen and ought to have been prevented by him that commanded it, or if it were commanded under an unjust penalty; and consequently that Bishop *Morley's* charge of him was a *gross mistake*.

His charge convincingly renew'd upon him.

Whereunto Bishop *Morley* replies by referring himself to Mr. *Baxter's* aforesaid answers to our Disputants aforesaid *Propositions*, especially to the third or last of them, which affirming such a command of a thing lawfull in it self, under no unjust penalty, and neither directly, nor by accident, the cause of any such evil or mischief; as the Commander of it did foresee, and ought to prevent, was a lawfull command; Mr. *Baxter* by denying this proposition to be true, and consequently such a command to be lawfull, because it might be evil by

by accident, cannot be imagined to mean such an accident as the Commander did foresee, and ought to prevent, nor the enjoining what he commanded under an unjust penalty: both which kinds of accidents the proposition he denied had *in terminis* excluded; and therefore he must needs mean such an accident as the Commander did not foresee, or was not obliged to prevent; and such a Command as had no unjust penalty annexed to it; and consequently some such accident as either the peevishness or perverseness, or some fault or other in those to whom such a command is given, and who ought and will not submit to it, is the cause of. That therefore which I did then, and do still charge Master *Baxter* withall, is, that he did then at the aforesaid *Conference* assert the Command of a thing lawfull in it self to be unlawfull, if by accident it might be the occasion of Sin; now that by accident he did not, nor could not mean either the injoyning of it under an unjust penalty, or any other accidental evil which the Commander was obliged to prevent or provide against, is evident, from his denying the Proposition to be true, which affirmed such and no other but such a command of a thing lawfull in it self to be lawfull, as was neither commanded under an unjust penalty, nor could by accident be the occasion of any either evil or mischief, which the Commander was answerable for or ought to prevent: From Mr. *Baxter's* denying of this Proposition (I say) and from his giving no other reason for his denying of it, but that such a command as the Proposition affirmed to be lawfull might by accident be unlawfull, it is undenyably evident he must needs mean such an accident or ac-

What he must mean by Accident in his Assertion at the Savoy.

The consequence of his Assertion urged.

His Instances only disguises of his Assertion.

cidental evil as the Commandee, not the Commander may be guilty of; and if no Command be lawfull, that may be the occasion of such an evil, then (as Mr. Baxter truly tells his *Kidderminster Friends*) *Bishop Morley did infer that no Command either of God or man could be lawfull*, or (as he is pleased to word it) *That neither God nor man can enjoyn any thing without Sin*, if the sinfulness, it may by accident be the occasion of in those to whom the Command is given, be to be imputed either to the Command, or to the Commander, which I think is little less than blasphemy to affirm; and therefore Mr. Baxter had reason to disguise the Assertion I charge him with, by giving such instances of it as are nothing a kin to it; for all his afore said instances are instances of the unlawfulness of such Commands as are or may be the cause or occasion of some such evil or mischief as the Commander foresees and is obliged to prevent, or of such as are commanded under an unjust penalty. Whereas if he would have dealt ingenuously and pertinently he should have given us one instance at least, if not more of the unlawfulness of such a Command, (as he asserted at the *Conference* to be lawfull, namely of the unlawfulness of such a Command) as was neither commanded under an unjust penalty, nor was the occasion or cause of any such evil, mischief or sin, as the Commander did not foresee, or was not bound to prevent. For how does the unlawfulness of selling of *Poyson* by an Apothecary to one whom he knows or suspects will poyson himself or some body else with it, prove the unlawfulness of selling of poyson by him that doth not know or suspect any such use will

will be made of it, because it may fall out that some body or other may be poysoned with it? Or how doth the unlawfulness of commanding a *Navvy* to Sea, when the Commander foresees it will fall into the Enemies hands, prove the unlawfulness of such a Command, because by such a chance as the Commander did not, nor could not foresee, it did fall into the Enemies hands? or lastly, how doth the unlawfulness of commanding to *kneel* at the receiving of the Sacrament, if it were commanded under an unjust penalty, as he supposeth, (but did not nor cannot prove it is) prove the unlawfulness of the same command if it be not commanded under an unjust penalty, as We and all other *Protestant* Churches in the World, as well as ours, say it is not? for proof whereof I refer the Reader to what I have said long ago in my printed *Letter*.

C H A P. XII.

Further, those Instances are scandalously Injurious. His disingenuous humour of Calumny taken notice of.

AND now having shewed what in truth it was that I charged Mr. *Baxter* withall, and that I charged him with it truly; and consequently, that all his *Instances* to the contrary are *frivolous*, and *impertinent*, and *fraudulent*; I am now to make it appear that they are scandalously (if not maliciously

*The Injuri-
ousness of
these Instan-
ces made ou ;*

*As implying
that the Bi-
shop had af-
serted the
contrary :*

ciously) *injurious* also. For *first*, as nothing can be more *fraudulent* than for a man, when he is charged with an *Affertion* that is false, and in its consequences impious and blasphemous, to substitute a true one instead of it; and by giving many instances of the *latter* to endeavour to make it to be believed he is not guilty of the *former*; so, nothing can be more provoking and *injurious* than to charge another falsely with what himself may be charged truly: And does not Mr. *Baxter* doe so, by producing those aforefaid instances of his, which no man can reade that hath any opinion of Mr. *Baxter's* veracity and sincerity, but must needs conclude Bishop *Morley* or those that disputed with Mr. *Baxter* had affirmed, *That the Command of that which is lawfull in it self is a lawfull Command, though it be commanded under never so unjust a penalty*; which is more than insinuated by the last of his instances before specified, namely the Command of *Kneeling* when we receive the Sacrament, as likewise that I, or they, or some of us, had affirmed the Command of a thing lawfull in it self, to be a lawfull Command, though the Commander did foresee it would be the cause of some great evil or mischief, which he was bound to prevent; and this is not onely insinuated, but necessarily implied in all the rest of the instances produced by him, as in that of sending of a *Navy* to Sea, foreseeing it will fall into the *Enemie's* hand; and that of selling of *Poyson*, knowing he that buyes it will poyson himself or some body else with it; concerning which and the like damnable actions he doth in effect plainly enough tell me, that I allow such things to be lawfull, when in his libellous Narrative

to

to his *Kidderminster* Friends he tells them he must crave the Bishop's pardon for believing those or any of the like commands to be sinfull; as if the Bishop had asserted all or any of them to be lawfull; *Which the Bishop utterly disclaims.* which if it can be proved the Bishop did, either *expresly or implicitly, formally or virtually, dogmatically or consequentially*, say there, or any where, any thing which can *grammatically* be construed or *logically* infer'd to tend towards the asserting or approving of any of the aforesaid instances, the Bishop himself doth hereby acknowledge himself to be utterly unworthy to be called a *Bishop*, or a *Priest*, or a *Christian*, or a *Man*, but rather a *Devil incarnate*, or an utter and professed Enemy to all Mankind. But if the Bishop did never affirm or say any such thing, nay if he and the Disputants of the *Episcopal* party did not by that Proposition, which Mr. *Baxter* frequently and finally denied, assert the contradictory to this calumny, namely that what the Church enjoined in the *Common-Prayer-Book* or publick service of God, and the *Sectaries* refused to obey, were therefore lawfull injunctions and commands, not onely because they were lawfull in themselves, and commanded by lawfull Authority, but because they were not commanded under any unjust penalty, or might so much as by accident be the cause of any such evil or sin, as they by whom they were injoynd, ought to provide against; if this (I say) be the truth, the whole truth, and nothing but the truth of what was then affirmed by Bishop *Morley*, or by the *Disputants*, or any other of the *Episcopal* party as really it is; (and I defie Mr. *Baxter*, or any of his party to prove the contrary) what then doth Master

Mr. B's no-
torious Ca-
lummy.

ster Baxter deserve for indeavouring by his *imper-
tinently, fallaciouſly and injuriouſly* at least (if not
maliciouſly) alledged *Instances*, to make so notori-
ouſly-impious, unchristian and inhumane a Calum-
ny to be believed, not onely of Bishop Morley, but
of all the *Episcopal* party that were there present;
for sure Bishop Morley did not differ from the rest
of his party, nor the rest of his party from him in
this, or any other particular at that *Conference*?

In his Book
called The
judgment of
Nonconfor-
mists of things
finfull by Ac-
cident p. 65.

And to this very purpose it is in the 48th pro-
position of the Book (which he saith was *pur-
posely written to answer Bishop Morley's grossly mi-
staken charge*) that Mr. Baxter resumes his in-
stance of an Apothecary's selling *Poyson* to one
who he knows will kill his Neighbour, or himself,
or his Prince with it, as of a thing thought lawfull
and justified by us; because (as he makes us speak)
the selling of Poyson is lawfull *per se*, of it self,
and unlawfull onely *per accidens*, by accident.
Whereunto he adds in the same place, "*That he
hopes that our Casuists* (meaning the Casuists of
the Conforming party) "*shall never see a Law
made to command or tolerate all Apothecaries to
sell Poyson to those that they know mean to use it
to treason or murther*; As if we had any such
amongst us, I mean, of the *Episcopal* party, that
not onely justify the selling of Poyson by those that
know it will be used for Murther or Treason, but
would have a Law made to command or tolerate
the doing of it. If there be any such *Casuists* a-
mongst us, I will readily acknowledge they are
as bad, if not worse than the worst of the *Jesu-
ites*; but let Mr. Baxter name any, at least one
such *Casuist* of ours, if he can, or if he cannot, if
he

Some other
Instances of
his calumni-
ous dealing.

he have any thing of Ingenuity left in him, let him confess his *fraudulent* and *injurious* dealing with us and repent of it. For as for that passage which he quotes out of *Ecclesiastical Polity* * to prove the Authour of that Book such a *Casuiſt* * Page. 23. as he speaks of, it is so illogical and unconcluding, that none but one that cares not what he says, or that thinks his *Ipse dixit*, his own bare saying, is enough to conclude *quidlibet ex quolibet*, any thing from any thing, would have quoted it upon such an occasion.

In the mean time I do not, I cannot deny, but ^{Some amongst us as bad Casuists as the Jesuits.} there be some, nay many *Casuists* among us, (but they are not of us) as bad as any of the *Jesuits*, especially in that *Casuistical* doctrine which is most *Jesuitical*; I mean, that of the lawfulness of *Subjects* taking Arms against their *Sovereign*; nay of selling, buying, imprisoning, deposing and murdering of Kings by their *Subjects*; I need not name those *Casuists*, Mr. *Baxter* knows whom I mean. But of this no more at this time, neither should there have been so much, if Mr. *Baxter* had not forgotten what he might have learned at School without going to the University; that *Qui alterum accusat probri, ipsum se intueri oportet*, He who chargeth another with a crime, ought to look home to himself: and it is but just, *Ut qui ex maledicendo voluptatem capit, malè audiendo amittat*; That he who takes pleasure in speaking ill of others, should lose that pleasure by having his own faults told him.

And indeed I have very often and very much wondred, that of all men living Mr. *Baxter* should reproach us so frequently, so loudly, and so groundlessly as he does, with what he knows himself and

Mr. B. cares
not what he
says against
the Bishops.

his party may most justly and undeniably be reproached with, unless he thinks the calling of an honest Woman *Whore first* will make her that calls her so, to be thought an honest Woman. And indeed men are apt to believe that one would not for shame accuse another of what he knows himself to be more guilty; but experience proves the contrary. And I hope I have proved it too, partly by confirming my *Charge* against Mr. *Baxter*, and partly by confuting his *Calumny* against me. But the truth is, when Mr. *Baxter* is in his fit of raving against Bishops and the Episcopal party, he cares not whether what he saith be true or false, pertinent or impertinent, so it be virulent and scandalous enough; having amongst many other of their speculative and practical Maxims, learned of the *Papish Puritans*, the Jesuits, *calumniari audacter*, to charge boldly, as hoping that *aliquid hærebit*, something will stick, though it be never so improbable or incredible; at least that those of their own Party will believe any thing of or against us, which is perhaps all they care for; of which practice that Mr. *Baxter* is often and very much guilty in his treating of me, I have given some Instances already, and shall give more hereafter.

CHAP.

C H A P. XIII.

The Charge of the forementioned Assertion renewed and made good against Mr. B. notwithstanding that late Treatise of his which he pretends was purposely written in answer to it.

IF it be objected, that I have said nothing yet in answer to the *Treatise*, which Mr. *Baxter* saith he writ on purpose to prove my *Charge* against him, to be a gross mistake; I confess I have not, because in truth I do not see how I am concerned in it, or how anything I charge Mr. *Baxter* withall, is disproved, or so much as offered to be disproved by it. Inso-much that (as I said before) if Mr. *Baxter* had set out that *Treatise* by it self, and had not in the *Preface* to another of his *Treatises* told me himself, it was purposely written against me, I should not have taken any notice of it at all; neither do I yet, (after the reading of it over and over again and again) see any reason why I should put my self to the trouble of writing, or any body else to the trouble of reading, any thing in reply to it; because if all and every one of his sixty three *Metaphysical Propositions*, (of which that *Treatise* of his doth consist) were all of them so many *Mathematical Demonstrations* (as perhaps he thinks they are) yet my *Charge* of Mr. *Baxter* would still stand in full force against him, being not so much as touched, much less overthrown, by any of those *Propositions*. For what was that I charged Mr. *Baxter* withall? was it not this? That he at the Conference in the Sa-

That Treatise of his impertinent to this business.

His charge repeated.

His *Sum*
Answer,

with the re-
ply to it.

voý denied the command of a thing lawfull in it self, and commanded by lawfull authority, to be a lawfull command, if by accident it might be the cause or occasion of Sin? Yes, will Mr. *Baxter* say, but then by *accident* I meant not every accident, but such an accident as the Commander might and ought to prevent; as for example, the commanding it *under an unjust penalty* (for that he will have to be an *accident*) or the commanding of it, though the Commander knows or foresees it will by accident be the cause or occasion of some such evil, or mischief, *as he can and ought to provide against*. And in the one or the other of these two notions of an accident, would Mr. *Baxter* have his *Affertion* (of the unlawfulness of a Command of a lawfull thing by lawfull Authority, if by accident it may be the occasion of Sin) to be understood; and I cannot blame him; for *Secundæ cogitationes sunt meliores*, Second thoughts are likely wiser and better than the first. But that he did not then by such an *accident* as made a lawfull command unlawfull, mean an accident in either of those notions is evident, by his frequently and finally denying the command of a thing lawfull in it self to be lawfull, if by accident it may be the cause of Sin, though it be not enjoined under an unjust penalty, and though the accidental evil or mischief, it may be cause or occasion of, be such as the Commander either cannot or ought not to provide against. Now, he that denies such a command as this to be lawfull, or (which is all one) asserts such a command as this to be unlawfull, because by accident it may be the cause of Sin, cannot either *Grammatically* or *Logically* be understood, to mean such an *accident* or accidental Sin as the Commander ought to provide against

against; and consequently, if he mean any thing, he must needs mean such an *accident*, or accidental evil, as not the Commanding, but the Commanded party, is to answer for. And therefore as I said then so I say now, That to assert the lawfull command of a lawfull thing, to be unlawfull, upon such an account, or because it may by such an accident (as Mr. *Baxter* must needs be understood to mean) be the cause or occasion of Sin, is destructive of all Legislative power Divine as well as Humane: And therefore Bishop *Morley* was not grossly mistaken either in charging Mr. *Baxter* with such an assertion, or in charging such an assertion with such impious and pernicious consequences, as he affirms, and I confess I did.

The consequence of his Assertion;

But Mr. *Baxter* doth grossly abuse me, and his Reader too, by substituting a true *Assertion* instead of a false one for himself, and a false one instead of a true one for the Bishop and his party. As if that which he asserted, was, The unlawfulness of the command of a lawfull thing, if either it were commanded under an unjust penalty, or the Commander of it did foresee it would be the cause of some such great evil or sin, as he was obliged to prevent; and that which we had asserted, was, The lawfulness of a Command of a thing lawfull in it self, though it were commanded under never so unjust a penalty, or though the Commander of it foresaw it would be the cause of such an evil or mischief as he might and ought to prevent. And as to make the latter of these two *Assertions* to be believed to be ours, he brings in the aforesaid *Suppositions* and fraudulent instances of *selling of payson*, &c. So to make the former to be believed to have been his *Assertion*, then,

His foul dealing.

The Bishop of Winton's Vindication

then, he asserts that, and none but that *now*; hoping his friendly or unwary Readers will believe it was the very same which he asserted then. And this indeed he might have reason to hope for from his Friends at *Kidderminster*, who he knew would believe whatsoever he told them, to be, as he said it was, especially telling it them in print, and before there was any thing in print to the contrary; but that he should think to impose such a belief upon the impartial part of the World, after the truth of what I charge him with had been so long before attested in print, under the hands of two such men, as the Bishops of *Ely* and *Chester*, (who could not chuse but know what was then said on both sides) is a confidence that never any yet even of Mr. *Baxter*'s own party hath assumed, and I believe never will.

The Attestation annexed to the printed Letter proves the charge of that Assertion against Mr. B.

Good reason therefore had I to reprint that *Letter* of mine together with the aforesaid *Attestation* annexed to it, that what is in question betwixt Mr. *Baxter* and me might truly and clearly be stated, (namely, whether he did, or did not assert what I charge him with) which being only *matter of fact*, and consequently no way to be decided but by Witnesses, and such Witnesses as cannot justly, nor ever were actually, either by Mr. *Baxter* himself, or any of his party, in so many years since excepted against; and they having testified so clearly and effectually (as they do) that charge of mine against Mr. *Baxter*; I know not what needed to have been done more, for my justification and his conviction, but the reprinting of the testimony of two such Witnesses as they are. Against whose Testimony, as to the invalidating of it, nothing he asserts now, though never

Nothing he saith now can invalidate that testimony.

so true, nor none of the *Instances* he gives of such an *Affertion*, though never so pertinent, do, or can signifie any thing; for that which I charge him with, and what the aforesaid Witnesses tellise against him, is onely concerning what he asserted *then*, and not what he hath asserted at any time since, or doth assert *now*; which, as is already proved, is very far from being the same which he asserted then. And this Mr. *Baxter* himself must needs confess, unless he will say (as I think he will not) that there is no difference betwixt denying (as he did then) the command of a lawfull thing to be lawfull, though it be not commanded under an unjust penalty, and the denying (as he doth now) the lawfulness of such a command if it be commanded under an unjust penalty: or as if it were all one to assert (as he did then) the command of a thing lawfull in it self to be unlawfull, if by accident it might be the cause or occasion of evil or sin, though it were such an evil or sin as the Commander was not obliged to prevent; and to assert (as he doth now) such a command to be unlawfull, if the evil or sin which it might be the cause of, were foreseen and ought to have been prevented by the Commander: But these Assertions being so contrary, (as they are) to one another, Mr. *Baxter's* asserting that which is true *now*, will not excuse him from having asserted that which was false *then*, which was all that I charged him with. If he hath changed his mind since, and be ashamed to own and maintain now, what he then held and asserted, and therefore sought to palliate and disguise it as well as he could, yet he ought not to have excused himself by accusing me, (and which is much worse) by endeavouring to make it
to

What he saith
now, contrary
to what he
said then.

to be believed that we of the *Episcopal* Party asserted the Command of a lawfull thing to be lawfull, if it were commanded by lawfull Authority, though under never so unjust a penalty, and though the Commander did foresee that it would by accident be the cause of never so great a mischief, and such as he knew he was bound to prevent; as the *selling of Poyson* by an Apothecary who foresees it will be made use of to poyson some body; and thereby implying that they were onely such things as this, or of the like nature to this, which we asserted, and he denied to be lawfull; which is evidently and equally false in relation to us, and to himself also; for we never asserted the lawfulness of the one nor denied the unlawfulness of the other, as he would have it to be believed we did; so that to what I charged him with before, I must now add not onely his want of ingenuity in disguising and misrepresenting what *He* asserted or denied, but his being guilty of Calumny also, in disguising and misrepresenting what *we* asserted or denied, at the aforesaid Conference in the *Savoy*.

His false representation of the thing

That Treatise of his grounded on a false supposition.

And therefore this being the ground of all that he hath said in that *Treatise*, of which he saith it was purposely written against me to confute my *gross mistaking charge* against him, needs no refutation, because it proceeds all the way *ex falso supposito*, upon a false supposition, as if what he asserts there, were the same that he asserted at the Conference; or as if, because what he asserted afterwards was true, therefore what he had said before was not false; or lastly, as if, because he doth not continue to say so, therefore he never did say so; by which kind of *Logick* he might as well conclude he never thought it

it lawfull to fight against the *King*, because he now doth not, or at least pretends he doth not; or that he never writ all his *Political Aphorisms*, because he tells us since that he hath recanted some of them; or that he never thought it lawfull to *subscribe* and *conform*, when he was ordained by a *Bishop*, because he doth not think so now: such Inferences as these are not, nor cannot be true, when they are affirmed of any fallible and mutable subject, as all men are both in their Words and Actions; and Mr. *Baxter* (will some men say) hath been so as much as any man in both of them. So that having sufficiently proved, that which I charged Mr. *Baxter* with, which was, what he asserted *then*, I have sufficiently discharged my self from being so grossly mistaken as he pretended, or indeed from being mistaken at all; And therefore need say nothing, or at least no more than I have said already in answer to the afore-said Book or *Treatise* of his, which onely tells us what his Judgment of things sinfull *per accidens* is *now* but not what it was *then*; which was the thing and onely thing I charged him withall, which he is so far from disproving, that he doth not as much as deny it, or take any notice at all of it, in this whole *Treatise*, which he pretends purposely to have written for the confutation of it; which it is so far from confuting, that there be several of his own *Propositions* in that *Treatise* that do implicitly and consequentially justify my *Charge* against him, by proving that *Proposition* of ours to be true, which he then denied as false.

The issue of the whole matter; His charge stands good.

His own Treatise fights against him.

For Example, *Prop. 31.* * He saith, *Rulers may* * *vid. his*
command many things which the Subject may by acci- *book of Things*
dent make sinfull for himself to doe. And in the next *sinfull by ac-*
cident.

P

Proposition,

The Bishop of Winton's Vindication

Proposition, he saith, *There be some accidents rendering the Act commanded unlawfull, which the Commander may and ought to make provision against, or prevent; But there are some which he neither can, nor is bound therefore to forbear or to change his Laws; because (as it follows in the next Proposition) the publick welfare is not to be hazarded to save a particular person from himself, and from his sinfull inclination to ill doing.* And of such Laws, and of such evils, and of such onely *per accidens* did our Proposition in exprefs terms affirm then, what Mr. Baxter affirms now, but then denied.

Again, *Propos. 36.* Mr. Baxter saith, *Wicked men are so much inclined to turn all things into sin, that it is not possible to command any thing so good, which bad men may not make sinfull use of.* Which I hope Mr. Baxter intends not for an Argument to prove the command of lawfull things by lawfull Authority to be unlawfull; nor consequently, to justify his aforesaid denial of our aforesaid Proposition, or to disprove my Charge against him for denying of it.

*The instance
of an Apothecary's
selling
poyson can-
va'ed.*

Much less doth that Instance he gives in his 48 *Proposition* come near to what is controverted betwixt him and me, and was then controverted betwixt him and our Disputants at the Savoy. I mean the so often alledged aforesaid instance of an *Apothecary's selling of Poyson* to one whom he knows will use it to murder himself, or some body else with it; *which to maintain or justify to be lawfull, because it is a sin per accidens, is,* saith Mr. Baxter, *an inhumane Errour:* And so indeed it is; and therefore as we were worse than the worst of men, if his imputation of it to us were true; so it being so false, that nothing can

can be falser, I will not say what Mr. *Baxter* is, but I will say that his imputing that inhumane Errour unto us, as being held, taught, or countenanced, or any way connived at by us, or by any *Casuiſt* of ours, is an inhumane and Diabolical slander. For we would have Mr. *Baxter* know, that we are not *ſo muddy brain'd* (as he is pleased to say we are) but we can and do distinguish betwixt what a Man doth or may foresee, and what he doth not or cannot; as likewise betwixt what a Commander can, and is obliged to hinder, and what either he cannot, or is not obliged to hinder. The former is Mr. *Baxter's* Apothecary's case, and therefore we do not call his *ſelling of Poyſon* (knowing what mischief will be done with it) a sin or cause of sin *per accidens*; Mr. *Baxter* may call it so if he pleases, *Nobis non licet eſſe tam diſertis*, but we that love to speak plain English, and to call a *ſpade a ſpade*, do not call ſuch a *ſelling of Poyſon*, a casual or an accidental, but an intended and a presumptuous sin; not a *Chance-medley*, but *wilfull murther* in the Seller, as well as in the Buyer of the poyſon. Because though the ſelling and the buying of poyſon be not *ſinfull per ſe*, or in it ſelf, abſtracting from the End for which, and the Intention with which it is ſold or bought, because it may be ſold and bought and uſed for a good end as well as for a bad; yet in Mr. *Baxter's* Apothecary's case, the ſelling as well as the buying of it is *ſinfull per ſe* and not *per accidens*, because the Seller is ſuppoſed to foresee what the Buyer will doe with it. For according to our *Grammar*, and our *Logick* too, *per accidens* is not always nor onely oppoſed to *per ſe*, but to *præviſum* and *prædeſtinatum*, to what is foreſeen and deſign'd afore-

Mr. B's ſlandrous imputation.

The Caſe rightly ſtated.

hand also ; so that whatsoever falls out or comes to pass *contra* or *præter intentionem* or *opinionem agentis*, Contrary to the intention or opinion or expectation of the Agent, may be said to be *per accidens*, whether it be *per se* or no. And in this notion of *per accidens* Mr. Baxter's Apothecary's selling of poyson, cannot excuse him from being a *Murtherer*, or guilty of murder *per se*, and not *per accidens* onely ; no not though *per accidens* there were not that ill use, that he thought there would be, made of it.

Another instance of his misapplying the term *per accidens*.

I might say the like of his *Impropriety of speech*, when he tells us, *That the command of a lawfull thing under an unjust penalty is a sin in the Commander per accidens*. For though an *unjust penalty* be an accident or accidental as to the command it self, because it might have been commanded under no penalty at all, or under some other more equitable penalty ; yet in respect of the Commander and commanding of it, it is sinfull *per se*, and not *per accidens* ; notwithstanding Mr. Baxter's Metaphysical notion to the contrary : which I note the rather, that he and his admirers may see that he is not the Man of that distinctness in his *Notions*, nor of that propriety and accurateness in his *Expressions*, as he would be thought to be ; the want whereof he doth so frequently and so insultingly impute to his Adversaries upon all occasions, and particularly in this *Treatise* of his which we are now speaking of.

C H A P. XIV.

A farther Prosecution of that Treatise, as also a farther Account of the Conference at the Savoy.

IN the beginning of which *Treatise*, speaking of the Men he had to doe with at the Savoy-Conference, he saith, that *as they were men, of confounding Practices, so they were men of confus'd Conceptions, and such as could not be reconcil'd to distinctness and congruity of speech. For with this Encomium of those that disputed with him, he begins that *Treatise* of his, which he saith he writ purposely against me; but I am sure that characteristicall Preface thereunto cannot so properly be meant of me, as of those that disputed with him; at least it cannot be meant of me onely, but of them also, nor of them and me onely neither, but of the whole *Episcopal* party, at least as to the first Clause of the Character whereby he describes his Adversaries, when he saith, *They were Men of confounding Practices*; for so he takes it for granted the *Bishops* and *Episcopal* party are, because they will not consent to the alteration of the settled Government, either in *Church* or *State*; or the letting in of *Wolves* and *Foxes* in *Sheeps* cloathing into the *Sheepfold*; I mean all the several sorts of *Sectaries*, who dissent as much perhaps or more from one another than all of them do from us: and consequently such, as if they were admitted within the Pale of the *Church*, would bring in a very *Babel* of Confusion along with them. And it is this,

* Vid. The Nonconformists judgment of things sinfull by Accident, p. 1.

His Encomium of the Episcopal party.

Why he calls them men of confounding practices.

this, and nothing else but this, I mean the keeping
 of *Anarchy* and confusion out of the *Church* and
State, which Mr. *Baxter* is pleased to call a *con-*
founding practice : But then he should have re-
 membered who They are, whom he so rudely re-
 flects upon, and who are the Men of such *confoun-*
ding practices : Surely, They were not the men he
 had to doe with, whether by them he means any
 or all of the *Conforming Party* that were at that
 Conference; for what do We conform to but the
 Laws? and who are the Makers of those Laws for
Conformity, and for excluding all that will not
 conform, but the *Parliament*? That is, the *King*,
 with the consent of *Lords* and *Commons*, (and not
 the *Bishops*, who doe nothing but in obedience to
 those Laws,) are the Men whom Mr. *Baxter* (if
 he speaks properly, as he would be thought to do
 always) must needs mean by the men of *confoun-*
ding Practices; which how he will justifie if he be
 called in question for it, he were best to consider.

Whom he
 means by the
 men of confu-
 sed concep-
 tions.

But as for the *men of confused Conceptions*,
 and such as could not be reconciled to distinctness
 and congruity of speech, I doubt not but he meant
 Me for one, (as I doubt not neither but he meant me
 for one of the men of *confounding Practices* also) but
 as he meant more besides my self, when he speaks
 of men of *confounding Practices*, so he must do
 also, when he speaks of men of *confus'd Concep-*
tions; because he speaks of men in the plural num-
 ber, speaking of both the sorts of them; and there-
 fore by the men of *confused Conceptions*, though
 he may, and I believe doth mean me for one,
 yet he must needs mean those that disputed with
 him as well as me, and rather them than me, or
 any

any other of the Bishops that were there; for the *Disputants* on our part were they, that he and his Assistants had to deal with.

And they were men that, I dare say, were never thought by any, but Mr. Baxter, to be men of such *confus'd Conceptions*, and so *irreconcilable to distinctness, and congruity of speech*, that is, so utterly without *Logick* or *Grammar* as he would have them thought to be. I am sure the University of *Cambridge* did not think them to be so, when two of them were made the *Primary Professours of Theology* in that famous University: Neither did the King think them to be so, when he made all three of them *Bishops*: nor did We that were then *Bishops*, think them to be so when we made choice of them to be ours and the Churches *Advocates* in a Cause of so high concernment as that was. But Mr. Baxter having been so shamefully nonpluss'd as he was at that *Disputation*, would have it to be believed by those that were not there, that he had, or should have had much the better of it, if the men he had to deal with, had not been men of such *confus'd Conceptions* that they could not understand his meaning by his words, or of such *impatience* (for that's part of his *character* of them also) that they would not give him leave to explain himself more fully than he did.

Their just Vindication.

Mr. B's design in so terming them.

This might have had some colour of reason in it, if the *Conference* betwixt our and their *Disputants* had been *oral*, or by word of mouth, which is always indeed lyable to heat, and eagerness, and impatience, and misunderstanding of one another, whilst they are arguing, as likewise, to misreporting afterwards of what was said of either side.

The Management of the conference at the Savoy how it was.

But

The Bishop of Winton's Vindication

But this *Conference* was by writing, to prevent jangling and all other the aforesaid inconveniences, which *oral interlocutory* Disputes are subject to; as likewise that each party might have time to consider what they were to stick to, and abide by, before they writ it down, and to peruse it afterwards, and if need were, to alter or amend any thing they saw amiss in it before they delivered it to those that were to answer or reply to it. And thus were our Arguments delivered unto them by us, and thus were their Answers to our Arguments delivered unto us by them, all of them written with Mr. *Baxter's* own hand, who seem'd to be the *Dominus factorum*, The Ruler of the Roast, in the business.

The Disputers Answers written with Mr. B's own hand.

The same as are attested in the Bishop's printed Letter.

Mr. B's final answer strangely peculiar and absurd.

The *Arguments* and the *Answers* that were written down, and interchangeably delivered from one Party to the other, were the very same *in terminis* which I have before recited, and which are attested by the subscriptions of the aforesaid witnesses printed above 20 years since, and now again reprinted with the *Letter* whereunto they were first annexed; which *Attestation*, together with the Arguments and Answers which are attested, I desire the Reader seriously and impartially to peruse and consider, and then to judge whether the men Mr. *Baxter* had to deal with were *Men of such confus'd Conceptions, and so irreconcilable to distinctness and congruity of speech*, as he would have them thought to be: or whether indeed he himself were not evidently and inextricably confus'd, puzzled and perplexed in his Answers to their Arguments; especially when he gave his final Answer to their last *Syllogisme*, the *Major Proposition* whereof, I am confident, would never have been denied by either of his

his *Assistants*, had not he, (being such a φιλονεικῶν, Lover of preheminence, such a φιλονεικῶν, and αὐθάδης, so contentious and self-will'd, as he is,) overruled them both. For who not blinded with prejudice or transported with passion (as Master *Baxter* often is, and as it seems then was) would have denied (as he did) the truth of this Proposition, (*viz.*) *That Command which commandeth an act in it self lawfull, and no other act whereby any unjust penalty is enjoyed, nor any circumstance whence directly or per accidens any sin is consequent, which the Commander ought to provide against, hath in it all things requisite to the lawfulness of a Command; and particularly cannot be guilty of commanding an Act per accidens unlawfull, nor of commanding an act under an unjust penalty?* This, this (I say) was the Proposition which Mr. *Baxter* did, in Writing with his own hand, finally deny to be true; and this is that which I charge him withall, and from which (as I then told him) it necessarily follows, that no *Law*, either humane or Divine, — can be lawfull; because there is no *Law* of either sort but may by some accident or other, be the cause or occasion of sin.

For example, *Preaching*, and *Fasting*, and *Praying*, and *Thanksgiving*, are all of them God's holy Ordinances; but may not any, nay all of these Ordinances of God himself, be by accident the occasion of sin? nay, were not all of them so in a very high degree in the late Times? being made use of in their several seasons, to stir up and encourage the People to rebell against their Sovereign; and to plunder and murder their fellow Subjects: But

Q.

did

did this make God's commanding all or any of these holy Ordinances to be unlawfull? by Master *Baxter's* Logick it must do so, because by accident they were the cause or occasion of very many, and very great sins; and such sins as the Commander foresaw, they would be the occasion of, and might have prevented if he would, by suffering no ill use to be made of them; (which is more than any *humane Lawgiver* can doe) and yet he did not, nor would not prevent those accidental evils, either by forbearing to make such Laws, as he knew would be the occasion of sin, or by repealing, or altering, or dispensing with them after they were made, or by remitting and not inflicting the punishment that was due to the transgressors of them; all which he might have done if he would; but he would not because he was not obliged to doe so, and because it seemed best to his infinite wisdom not to doe so.

*A rejoinder
to Mr. B's
Reply.*

But Men, Mr. *Baxter* will say, or *humane Lawgivers*, are obliged (though God be not) to prevent or provide against all (even accidental) evils which they can prevent, or provide against.

'Tis true, but not by making no *Laws* at all. For *Melius vivitur ubi nihil licet, quam ubi omnia*, It is better living under the severest *Laws*, than under none at all. And if there be any *Laws* made for men to live by, or to live under, such is the pride and the pravity of humane nature (as Mr. *Baxter* himself confesseth) that there will be transgressions of them, and such transgressions as the wisest *humane Lawgiver* cannot foresee, or the most powerful of them be able to prevent; and consequently,

no humane Lawgiver is bound to doe so; for, *Nemo tenetur ad impossibile*, No body is bound to impossibilities.

Neither is a *Humane Lawgiver* bound to prevent all the *Evil* which it is possible for him to prevent, if it be not to be prevented, but by making no *Laws* at all; or if it be not to be prevented, but by omitting or forbearing to doe some important publick good, which as a Lawgiver he is bound to doe. So that no accidental evil which the Lawgiver either *cannot* or *ought not*, (and by *ought not*, I mean, is not bound or obliged) to provide against, can make the command of a thing lawfull in it self to be unlawfull. And he that denies this (as Mr. *Baxter* did) must (as I said before) consequently affirm no command, either of man or God to be lawfull; because there is no command, either *Humane* or *Divine*, but is liable to such accidental evils, as man either *cannot* or *ought not*, and God hath not thought fit, to provide against, any otherwise than by forbidding, and threatning to punish the transgressours of them; which *Humane Lawgivers* are obliged to doe also; which being all they can doe, and consequently all they are obliged to doe, neither they, nor their just *Laws*, or lawfull *Commands*, are to be blamed or repealed, because they accidentally prove to be the occasion of such evils as the Lawgiver either cannot, or is not bound to provide against. And such sins as these must he needs mean, who denies (as Mr. *Baxter* did) the command of a lawfull thing by lawfull Authority, under no unjust penalty, to be lawfull, because, by accident it might be

The Consequence charged home.

the occasion of some such sin as the Commander was not bound to prevent or provide against.

*A Call to Mr.
Baxter.*

And therefore I would fain have Mr. *Baxter* speak out, and tell us plainly and distinctly, (being such a Master of *distinction* as he is) what these accidental evils or sins are, that can make such a command as he denied to be lawfull to be unlawfull. Sure I am, they can be no such evils or sins as by his aforesaid Instances he would make it to be believed they are. For they are all of them such as the Commander is obliged to hinder or provide against; but he must instance in some such accidental evils or sins which the Commander is not bound to hinder or provide against, and then prove that a lawfull command, by being the cause or occasion of such an accidental evil or sin, becomes unlawfull; which when he hath done, *erit mihi magnus Apollo*, I shall take him for a great Prophet; and then I will confess that I have been grossly, very grossly mistaken in my charging of him, as I did.

*His gross
shuffling and
cutting.*

In the mean time, he hath grossly, very grossly abused his friends at *Kidderminster*, in that *Narrative* of his, where by shuffling in of one *Proposition* instead of another, a true one instead of a false one, he would make them believe that it was the true one that he asserted, *viz. That the Command of a thing lawfull in it self was unlawfull if it were commanded under an unjust penalty, or would be the occasion of some such evil as the Commander foresaw and ought to prevent.* And not the false one, *viz. That the Command of a thing lawfull in it self was unlawfull though it were not commanded under an unjust penalty, nor would be the occasion of any such accidental*

cidental evil or sin as the Commander was bound to prevent; which was that indeed and in truth which Mr. Baxter asserted, and not the former: And upon his asserting whereof, I do very well remember, (and so may he too, if he will) I stood up, and said, There is no more Disputing with this man — who doth in effect deny any of God's commands as well as Man's to be lawfull. For what Law or Command of God is there, that may not be the occasion of some such evil or sin? And so the Dispute ended; for *Contra Principia negantem non est disputandum*, There is no disputing against a man who denies principles: And certainly this if any is a Principle among Christians, *That all God's commands are just and righteous*; which none of them are or can be, if by accident to be the occasion of sin can make them not to be so; which I affirmed to be the Consequent of what Mr. Baxter had asserted.

His Assertion the occasion of breaking up the Conference.

But I did not charge him with asserting the consequence it self; nay, I did not charge *him*, and much less all or any other of the *Nonconformists*, besides him, with asserting that which he did assert, as theirs, or his own judgment; (as by the Title page to his *Treatise of sinfulness per accidens* (which he saith *was purposely written against me*) he would make his Readers believe I did) but I charged him with it, * *as a desperate shift he was forced to make use of*; for so he himself saith I said I did, (when I charged him with what he had asserted) which implies that I did not charge him with that *Affertion*, as that which was, or which I did believe to be indeed his Judgment; but rather, with what contrary to his Judgment, he was fain or forced

He is not charged with it as his judgment.

* *In his printed narrative to his friends of Kidderminster.*

to

The Bishop of Winton's Vindication

to assert εἰς τὸ διαλέσθαι τῇ ὑποθέσει to serve his turn for the present, as not knowing how otherwise (all at once) to impeach the lawfulness of the Injunctions of our Church in the *Common-Prayer-Book* (which was then his business) and consequently to justify his own and his Party's refusing to obey and conform to them.

Nor is He, but
the Assertion,
charged with
its Consequen-
ces.

And as when I charged him with what he had asserted, I did not charge him with it, as with that which I thought to be his Judgment; much less, when I charged that *Assertion* of his with those impious and absurd *Consequences* that may be, nay, must be inferr'd from it, do I charge him with asserting all or any of those *Consequences*: For a man may abhor the necessary consequences of his own Opinion, as I believe all well meaning *Papists* (and sure there be some *Papists* that are well meaning men) do detest and disclaim all the necessary consequences of their blasphemous Doctrine of *Transubstantiation*, and as I believe Mr. *Baxter* doth the necessary consequences of that *Assertion* I charged him with. Nay, I am apt to believe that Mr. *Baxter* himself, now he sees what will necessarily follow upon that *Assertion* of his, is sorry and ashamed that ever he did assert it, and wishes with all his heart he had never asserted it; but his heart is too great to suffer him to confess it, and he values his reputation with his Party at too high a rate to acknowledge that ever he was guilty of so much weakness, as to have denied what he did deny, and consequently to have asserted what he did assert. And therefore (as I said before) he would fain have it to be believed that it was another thing that he denied and asserted,

than

His reputati-
on more valu-
ed by him
than truth.

than indeed it was. But all that he hath done hitherto, or can doe hereafter, to that end, will be all in vain, and to no purpose, as long as two such Witnesses, as the Bishop of *Ely* and the Bishop of *Chester*, who disputed with him, have attested it under their hands, presently after the matter of fact, and when it was fresh in every man's memory, without having been contradicted or excepted against either by Mr. *Baxter* himself, or any of his party in his behalf, though it be above twenty years ago, since this *Attestation* of theirs was first printed.

The Attestation utterly spoils all his endeavours of clearing himself.

And therefore whatsoever Mr. *Baxter* hath said since, or doth say now, or shall say hereafter, it will never make what he did say then to be *non dictum*, not to have been said, or what he writ then to be *non scriptum*, not to have been written; so that he may as well call back yesterday as unsay what he had said; *repent* it he may, but *recall* it he cannot. If therefore that Pamphlet of his concerning sinfulness *per accidens* was purposely written (as he saith it was) to prove Bishop *Morley* was grossly mistaken in charging him with what he did assert *then*, because he doth not assert it *now*, or because he now doth assert the contrary; the publishing of it to that end is not onely vain and useless but absurd and ridiculous, unless Mr. *Baxter* thinks his own Party does believe of him, as the *Bygott-Papists* do of their *Pope*; namely, that he never erred, because he cannot err; which is Blasphemy to be said of any but of God. For *Errare, labi, decipi, suit, eritque semper humanum*, to err, to slip, to be deceived and mistaken, hath been and will

That Treatise of his wholly useless to that purpose.

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will always be the effect and character of Humane frailty. And therefore Mr. *Baxter* ought not to have taken it so heinously to be charged, and to be charged as he was with an ἀνθρώπινον π, with that which is but an humane infirmity; for so, and no more but so, is all Errour. But the denying of it, and much more the persisting in it, and defending of it, and most of all the defending of it by disguising it and making a false representation of it; seems to have somewhat of a much worse principle in it, and makes the Errour to be much more culpable, than otherwise it would have been; for *Causa Patrocinio non bona peior erit*, A bad cause will but prove worse by standing out in it and endeavouring to make it good.

It would have been therefore much more ingenuously, and much more excusably too, done of Mr. *Baxter*, if, as when he speaks of his *Political Aphorisms*, he saith he would have some part at least of that Book to be taken *pro non scripto*, as if it had never been written; so in speaking of what I say he said in the Conference at the *Savoy* he would not have said it was *non dictum*, a thing that he had not said; but that he would have it taken *pro non dicto*, as a thing he wished he had not said: and so he might have saved all the pains he hath taken, and all the trouble he hath given his Readers, in his *Metaphysical Casuistical Treatise* of things finfull *per accidens*; wherein there is nothing to prove Mr. *Baxter* did not say, what I say he did at the Conference in the *Savoy*; nor consequently to prove that I was grossly mistaken in charging

charging him with it; "Οπερ εδει δεῖξαι, Which is the thing I was to make out.

Which being the onely Instance he hath given of the *many mistakes in matter of fact*, which he saith there are in that long ago printed, and now reprinted *Letter of mine*; They that observe how (notwithstanding all the *disingenuous, fraudulent, scandalous, and injurious* Artifices he hath made use of) he foully fails in the proof of this one mistake onely; will (I hope) hardly take his own bare word for proof enough, that there are *many*, or indeed any other *mistakes in matter of fact* in that *Letter of mine*, as he pretends there are, and no doubt would not have omitted to specify, if he could have proved any of them.

*The V^{is}it^r &
the Bish^p's
charge a
gainst Mr. B.
no mistake.*

The End of the First Section.

R

SECTION



SECTION II.

A Confutation at large of Mr. *Baxter's* Aphorism concerning Governours ; wherein, having said, that *Governours are some Limited , some de facto Unlimited ;* he affirms, that *The unlimited are Tyrants , and have no right to that unlimited Government.*

CHAP. I.

A calumnious Charge of Mr. Baxter in some late writings of his, against the Bishop, making him to be a defier of Deity and Humanity, answered. One of his Aphorisms, concerning Governours limited and unlimited, taxed and censured. The Bishop's solemn declaration in the point.

ANd now having (as I suppose) sufficiently vindicated my self from what Mr. *Baxter* hath excepted against (as a *gross mistake* of mine in *matter of Fact*) in my so long ago printed (and now reprinted) *Letter*: I am (if I can, and I doubt not

R 2

but

Mr. B. charges the Bishop to be a defier of Deity and Humanity.

but I can) to vindicate my self from a much higher charge of Mr. *Baxter's* against me, which is no less than, *That I am a defier of Deity and Humanity.* An horrible and a diabolical *Crime*, if true; and therefore an horrible and diabolical *Slander*, if false; which, whether it be or no I am now to examine.

That he doth so prov'd out of his Recantation,

But first, I must make it appear, that Mr. *Baxter* doth indeed, and *intotidem verbis*, in plain terms, charge me to be so; For proof whereof, I refer my self to a printed Paper of his, now before me, subscribed *R. B.* and pretended to be a *Recantation* or Revocation of some of his *Political Aphorisms* in his *Holy Common wealth*; in which Paper (which together with some of his *Aphorisms* I have caused to be reprinted) he saith, *He doth not reverse all the matter of that Book, nor all that more than ONE hath accused him of; which he saith he cannot without defying Deity and Humanity, as they, saith he, (meaning his accusers) desfe them both.*

In which words it is observable, that the word *One* is printed in a different Character, from any of the rest, on purpose no doubt, that the Readers of that pretended curtail'd *Recantation*, may take notice of whom he means by that *One*, which it was easy for any that had read my Collection of some of his *Aphorisms*, to guess at; but this is certain, that whomsoever he means by that *One*, he saith of him in express terms, that he is a *defier of Deity and Humanity.*

and out of his Answer to a Letter of Dr. *Hinckley's*,

Now that he means me by that *One*, though it be not clearly and plainly express'd in that Paper, yet it is more than intimated in Mr. *Baxter's* Answer to a Letter of Dr. *Hinckley's*; wherein he doth repeat

repeat what the Doctor had said touching those *Aphorisms* of his, which I had collected and printed, so as though neither of them name me, yet it cannot be doubted, but both of them mean me; the rather, because Mr. *Baxter* doth there, and in that place of his Letter, set down the very words of the *first* of those *Aphorisms* I have collected, from denial of which *Aphorism*, or rather from the denial of another *Proposition* substituted by him in the place or instead of that *Aphorism*, he doth in the aforesaid Paper infer and conclude that *One* he speaks of to be a *deser of Deity and Humanity*.

But to put it out of question that I am the man he means by that *One* in the aforesaid Paper, and whom he there makes to be a *deser of Deity and Humanity*: There is a late (I will not say the last) Book of his (for he may have writ two or three since for ought I know) wherein he saith, *He wonders that Bishop Morley* (there you have whom he means in words at length, and not in figures or figurative intimations onely) *did put the denial of this amongst the accused passages of his Political Aphorisms, where* (saith he) *I expressly speak of God's limitation.*

But what, or of what was that *denial* of Mr. *Baxter*, which he wonders the *Bishop* puts among the accused passages of his *Aphorisms*? Why, *It was* (saith he) *my denial that there was any such thing in the World as a lawfull unlimited Monarchy, or humane Power, expressly speaking of limitation by God.* But where doth *Bishop Morley* accuse Mr. *Baxter* for denying there is any lawfull Monarchy, or humane Power, unlimited by God? *He doth it* (saith Mr. *Baxter*) *among the Passages of my accused Aphorisms.* But why doth not he name the passage where, or the

nd out of his
Apology for
the Noncon-
formists Mi-
nistry. p. 138.

Mr. B. gives
a false ac-
count of the
Bishop's accu-
sing of him.

the

the particular *Aphorism* wherein I do accuse him, for his denying the aforesaid Proposition, or for his denying there is any lawfull Monarchy, or any other humane Power, unlimited, or not limited by God? I will tell you why he doth not, because indeed he cannot; there being no such *Aphorism* nor any such *Passage* in any of those Aphorisms of his, which I question him for, or accuse him of.

The true account what it is the Bishop accuseth him of.

There is indeed an *Aphorism* of his (*viz.*) the first of those which I have collected and exposed, wherein he saith, *That of Governours some are limited, and some are unlimited, and those which are de facto unlimited are Tyrants, and have no right to their unlimited Governments:* And the reason why I put this *Aphorism* of his into the catalogue of those which I except against, is his affirming that such Governours (I presume he means all such Governours) as are *de facto* unlimited, are Tyrants and have no right to their unlimited Governments. It is (I say) his affirming of this, and not his denying the *lawfulness of a Monarchy or any other power or species of Government that is not limited by God*, that I question him for, or accuse him of. For if he thinks the affirming of *that* and the denying of *this* to be all one, he is very much mistaken: but the truth is that he is not at all mistaken as to this particular; he knows well enough, that it is not all one to affirm the one and deny the other; for if he had thought it had been so, why did he not specify the *Aphorism* it self (which I except against) in *terminis*, as it is set down in my Collection, and as he sets it down himself in his aforesaid Letter to Dr. *Hinckley*? It had been much more fairly and ingenuously done of him, if he had done so, and much more

more pertinently too, as to the business in hand; there being no question betwixt him and me (in relation to the truth or falshood of the aforesaid *Aphorism*) whether all lawfull Monarchies or humane Powers are limited by God or no? but whether all such Governours as are *de facto* unlimited (not by God but by Men) are Tyrants, and such as have no Right to their unlimited Governments. The former I never did, nor no man that is not a downright professed Atheist can deny to be true: The latter I affirm to be false, and not false and erroneous onely, but dangerous and seditious also; and I doubt not but by God's assistance to prove it to be so.

*The Question
rightly stated.*

In the mean time, let no man think it was the not discerning or not animadverting the difference betwixt what Mr. Baxter affirms in his *Aphorism*, and what he denies in his Paraphrase of it, that makes him substitute the one for the other; *Non scimus Ulysses*, The cunning man is better known than so. No, he doth it artificially and designingly, that he might the more probably and plausibly infer from the one, what he knew he could not with any colour of consequence infer from the other; and thereby to vent the overflowing of his Gall against me, in revenge of my publishing of those *Aphorisms* of his, whereby he seems to be so much galled.

*Mr B's artifice to vent his
gall against
the Bishop.*

And hence it is, that as in the aforesaid *recanting* or rather *canting* Paper of his, instead of my *denying all unlimited Governours to be Tyrants and to have no right to their unlimited Governments* (which he affirms in his *Aphorism*) he saith, *I deny all humane Powers to be limited by God*, and thence infers that *I am a deser of Deity and Humanity*: So here again.

*His wretched
falshood in
charging the
Bishop.*

*His zealous
descant upon
it.*

again in that aforefaid late printed Book of his, instead of my denial of what he affirms in the aforefaid Aphorism, he saith, *that I accuse him for denying that there is any lawfull Monarchy or humane Power unlimited by God; and then inters That he who asserteth the contrary (as he implies I do) is* 1. *(saith he) an Enemy to God, because he denies God to be the universal Sovereign, which is Atheism.* 2. *He is an Enemy to Kings, because he renders them odious to Mankind by drawing such a picture or description of them, as to say a King is absolutely unlimited in his power, and therefore may deny or blaspheme God, and may destroy City and Kingdom, and kill all the innocent People when he pleaseth.* 3. *He is an Enemy to all Mankind, who would bring them all into such a slavery to such a Monster.* By which large, and indeed monitrous Paraphrase of his, not upon what I do indeed assert, but upon what he would have his Readers believe I do assert, he explains what he means when he said I was a *deser of Deity and Humanity.*

Sed ne sævi, magne Sacerdos; But do not bluster so, mighty Presbyter! Is this the humble, the meek, the mortified and daily dying Mr. Baxter? *Tantæne animis Cælestibus iræ?* Have heavenly minds such boisterous passions? And why not, may some Friend of his say; can a man be too zealous for God, or too angry with any that defies God, or that denies his Sovereignty over all his Creatures, and consequently over all humane Powers or Governours? Was not *Moses* the meekest man alive, and yet was not he angry, very angry, so angry that he brake the *Tables* of stone wherein the *Law* was written by God's own hand, because

cause the People had by their Idolatry broken the Law, written by God's own hand in the Tables of their hearts? The like may be said of *Phineas*, of *David*, and of *St. Paul*, who was so angry that he wished that the *ταρξιδοντες* & *ἀναστρεφτες*, The disturbers and overturners, of the Church in those times were cut off (which by the way is as bad, if not worse than *silencing*.) Why then should Master *Baxter* be blamed, if he thinks no words bad enough for those that are the *desfers of Deity and Humanity*, and the *Enemies to God, to Kings, and to all Mankind*?

True; but who, or where are they that are so? Who they are they are those (saith Mr. *Baxter* in one place) *that deny all humane Powers to be limited by God.* he means in that descant. But who are they that deny all humane Powers to be limited by God? they are (saith Mr. *Baxter* in another place) *Such as deny all Governours whether limited or unlimited to be Subjects themselves, and under the Sovereignty and laws of God.* But who are they, or who is he, that denies either this or the former of those two Propositions? Bishop *Morley* for one (saith Mr. *Baxter* in the aforesaid late Book of his) and therefore he is a *desfer of Deity and Humanity*; and so are others too for the same reasons, as he tells us in his Paper of *Recantation* (but they it seems must be nameless.) Well, but how doth he know that Bishop *Morley* doth or ever did deny either, That all humane Powers are limited by God, or that all Governours are subject to God? Did he ever hear me say so himself? or can he produce any Witness that is *fide dignus*, That may be believed, who told him so? I am sure I never thought so, and therefore I am sure I never said so.

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But

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But because he grounds my being a *desier of Deity and Humanity* upon this supposition, and upon this supposition onely, That *I deny all Humane Powers to be limited by God, or That all Humane Governours are Subject unto God*; And because there be many that will believe whatsoever he saith, because he saith it:

*The Bishop's
solemn decla-
ration con-
cerning Go-
vernours.*

Be it known to Mr. *Baxter* and all *Baxterians* in the World, that I Bishop *Morley* do in my own name (and I am confident may doe it in the name of all the *Episcopal* Party, that is, of the whole *Church of England* truly so called) not onely confess and acknowledge, but declare, and aver, and avow; *first*, That all *Humane Powers*, and not *Humane* onely, but *Terrestrial, Celestial* and *Infernal* Powers also, are subject to God and limited by God; that is, by the Power, the Will and Wisdom of God, so that none of them can doe more or less, or otherwise than he wills or permits them to doe; and that he restrains, overrules and orders whatsoever they doe, as he pleaseth, in order to his own most wise and just ends.

Secondly, I do acknowledge and declare also, that all humane Powers, or Governours, the *Supreme* as well as the *Subordinate*, and the *Unlimited* (I mean the unlimited by humane *Pacts* and *constitutions*) as well as the *Limited*, are all of them limited by God; and that not by his *Power* onely, but by his *Laws* also, either as they are written by him in Mens hearts, or revealed by him in his Word; and that as all the *Heathen* World (*Kings* as well as *Subjects*) were limited by the former; so all the *Christian* World, (*Kings* and *States*, as well as *Subjects*) are limited by the latter, and by the former also;

also ; so as to be thereby obliged (though not necessitated) to observe the Dictates, and to doe nothing contrary to either of those Laws ; and if they doe not accordingly, that they are answerable to God, and punishable by God for it, as he is βασιλεὺς βασιλευντων καὶ κύριος κυριευντων, *King of Kings and Lord of Lords*, as much or more than any of the meanest of their Subjects.

This is, and always was my *Creed* as to this particular ; and therefore, instead of defying Deity and Humanity, I defy Mr. *Baxter* and all the *Baxterians* in the World, to prove that I ever did *dicto vel scripto*, By saying or writing, directly or indirectly, *in terminis vel in sensu æquipollenti*, In downright terms or equivalent meaning, formally or consequentially, deny all or any humane Powers, or Governours, either *de jure*. As to matter of right, or *de facto*, As to matter of fact, to be limited by God ; or that I did ever accuse Mr. *Baxter* or any body else for affirming it.

His disavowal of Mr. B's charge.

And therefore I do now accuse him for having falsely accused me of such a Crime as is no less (as he himself saith) than *the defying of Deity and Humanity* ; which is a very high degree not of *Prophaneness* onely, but of *Atheism* and *Blasphemy* also ; and therefore highly criminal, and highly punishable even here in this world in them that are guilty of it ; and *per legem talionis*, By that law which requires like for like, in those also that accuse any man of it, and cannot prove it ; especially in one *Church man* accusing another, and more especially (according to the ancient *Canons* of the Church) in a *Presbyter* accusing a *Bishop* of so high a Crime as this is.

Mr. B. a false accuser.

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*His consequential proof
of the charge.*

But Mr. *Baxter* it seems will joyn Issue with me upon this point, and will prove that though I did not *in terminis* defy Deity and Humanity, by denying *in terminis* all humane Power to be limited by God; Yet I am nevertheless a *desfer of Deity and Humanity*, because I do consequentially deny all humane Powers to be limited by God. And that I do consequentially deny all humane Powers to be limited by God, he proves, or thinks he proves, or rather indeed would have others think he proves it (for I am confident he himself believes it no more than I do) because I deny this Aphorism of his, *That all unlimited Governours are Tyrants, and have no right to their unlimited Governments*; so that the proof of my being a *desfer of God*, because I deny all humane Powers to be limited by God, depends upon the truth of this Syllogism:

He that denies all unlimited Governours to be Tyrants, and such as have no right to their unlimited Governments, doth consequentially, or by necessary consequence, deny all humane Powers to be limited by God.

But Bishop Morley doth deny the former,

Ergo, he doth deny the latter also.

His Metaphysical Microscope.

Well, suppose he did so, yet if (being not so clear-sighted as Mr. *Baxter* is, nor having such a *Metaphysical Microscope* as Mr. *Baxter* hath to see so far into a milstone as Mr. *Baxter* doth) the Bishop doth not discern either the necessity, or probability, or possibility of any such consequence, must he because he is *μωωωωωωωω*, *moap-cy'd*, or because he hath no better a discerning faculty than God hath given him, must he needs (I say) be therefore a *desfer of Deity and Humanity*? when if he saw or did believe there were any such consequence, he would be as ready to condemn

condemn the opinion from whence it is inferr'd, and to anathematize the maintainers of it, as Mr. *Baxter* himself is, or can be?

But thanks be to God, we have a more mercifull Judge than Mr. *Baxter* is; for Woe be to the Bishop, and Woe be to Mr. *Baxter* himself; nay, Woe be to the best and wisest of all mankind (neither of which do I think that I or Mr. *Baxter* himself is) if we were to be judged by the consequences of all our Opinions at the last day. For, *I know nothing by myself*, says St. *Paul* (who was spiritually as wise and as good a man as perhaps ever any mere man was) yet *I am not*, saith he, *thereby justified*: and therefore though our hearts do not condemn us (says St. *John*) yet God who is greater than our hearts, may. And truly I know no Man that hath more reason to be afraid to be tried by Consequences than Mr. *Baxter* himself hath, as I think I have made it appear already from the Consequences of what he asserted at the *Savoy*-Conference, and shall make it appear more and more before I have done with him.

And therefore it is for his sake more than for mine own (at least upon this occasion) that I would not have men judged of by the Consequences of their Opinions, though never so truly inferr'd from them, if they be denied by them. But I say not this, as any way or in any the least degree acknowledging that there is any such Consequence logically or rationally to be inferr'd, as Mr. *Baxter* saith there is from my denying of his aforesaid Aphorism to be true, that therefore I deny all humane Powers to be limited by God.

But doth not (saith Mr. *Baxter*) be that maintains (as the Bishop doth) that there is such a thing

We are not to be judged by consequences.

No such consequence in the case.

An unlimited lawfull Monarchy, in what sense in

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in the world as an unlimited lawfull Monarchy or humane Power, consequentially deny, that all humane Powers are limited by God? No, (saith the Bishop) if by *unlimited* he means unlimited by men, or by humane Laws or constitutions; for some humane Powers may be unlimited in this sense, and yet all of them notwithstanding belimited by God: I, but saith Mr. *Baxter*, this subterfuge will not serve the Bishop's turn; for in my Aphorism which he noteth as false, *I do expressly speak of God's limitation*. Do you so, Mr. *Baxter*? then the Printer hath done you great wrong, or mine Eyes are grown so dim with age, as no spectacles will enable me to see any such words as *limitation of God or by God*, either in the Text or Margent of that *Aphorism* which is now in question; no nor in the *Paraphrase* which you give us of that Aphorism in the aforesaid late Book of yours, which I have now before me: where indeed it is said that Bishop *Morley* maintains, (though he had not maintained it then, but means to do it now) that *there may be a lawfull unlimited Monarchy or Sovereign Power*; but it is not said there nor any where else, that Bishop *Morley* maintains there may be a lawfull Monarchy or any other Government (lawfull or unlawfull) unlimited by God. But he that denies that aforesaid Aphorism (may Mr. *Baxter* reply) doth consequently maintain there may be such a Monarchy or Sovereign power unlimited by God; because Mr. *Baxter* doth *expressly* speak of *limitation by God*. He doth so indeed in the words immediately subjoyn'd to that *Aphorism*, but not in the Aphorism it self, neither doth he speak of it in the words subjoyned, to explain what he meant by the *limitation* he speaks of in the Aphorism before, but rather

rather to intimate that it was not a *limitation by God*, — which he before spake of. For having said in his Aphorism, that *Of Governours some were limited and some unlimited, and that the unlimited were Tyrants and had no right to their unlimited Governments*; he adds (as a reason why the unlimited were Tyrants, and had no right to their Governments) *For they are all subject themselves, and under the Sovereignty and Laws of God*. Which is in effect, as much and no more than if he had said, Though I tell you, that of Governours some are *limited* and some are *unlimited*, I do not mean any of them are unlimited or not limited by God; and what is this but a plain confession that by limitation of Governours in the aforesaid Aphorism, he means their limitation by men, and not by God? And then (I hope) a man may deny all such Governours to be *Tyrants*, that are not so limited, without denying them to be limited by God; and consequently without incurring the Censure of being a *deser of Deity and Humanity*. For why, of these Governours or humane Powers that are all of them limited by God, may not some of them be unlimited or not limited by men, that is by humane Pacts, Laws or Constitutions?

And if this be not Mr. Baxter's own meaning, I would fain know how he will make good his division of *Governours*, into some that are *limited*, and some that are *unlimited*? For, if his meaning be this, that of *Governours* some are *limited by God*, and some are *unlimited by God*, he must needs own — that assertion to be his, which he would impose upon me; namely that *all humane Powers are not limited by God*; and consequently besides his unavoidably involving himself in a palpable *Contradiction* (for what

Mr. B's Governours, some limited, some unlimited.

If he means limited by men, the consequence is avoided.

If he means limited by God,

The consequence falls upon himself.

what can be more contradictory, than to say that *all* Governours are, and *some* are not limited by God? he doth necessarily make himself, what he would have me thought to be (*viz.*) a *deser of Deity and Humanity*, if to deny all humane Powers to be limited by God, be consequently to defy Deity and Humanity. For what more evident or undeniable consequence can there be than this? *Some Governours, or some humane Powers, are unlimited, that is, not limited by God; Therefore All Governments, or all humane Powers, are not limited by God; but the Antecedent or former of these two Propositions is Mr. Baxter's (if by limitation in his Aphorism he means limited by God as he saith he does) and therefore the Consequent or latter of these two Propositions must be his also.*

Neither will his *de facto* doe him any service at all, to help him at this dead list: for, whereas he saith in his Aphorism, *Some are limited, and some are de facto unlimited* (supposing him still to mean unlimited as well as limited by God) I would fain know what *de facto* was put in for, and written in another Character, to make it the more observable? Was it, because there was some *Metaphysical* mystery couched in it? If so, he should have explained himself so, as that we, who want his higher Intellectuals, might have understood what he meant by it; but if he meant no more than ordinary *Grammar* and *Logick* enables us to comprehend; namely that *de facto* is to be understood as it is opposed to *de jure*, and then (still supposing that by *limited* and *unlimited* he means limited and unlimited by God) the meaning of that part of his
Apho-

Aphorism must be this, that of Governours, though all are limited by God *de jure*, yet some of them are unlimited by God *de facto*. And then I demand of Mr. Baxter, where there are, or ever were, or ever can be any Governours unlimited or not limited by God *de facto* as well as *de jure*, that is, *that are not de facto under the Sovereignty and Laws of God*, (which is Mr. Baxter's own expression of what he means by being limited by God) and then I say, I would fain know who and where those Governours are that are unlimited by God *de facto*. And if there neither be, nor can be any such, Mr. Baxter's division of Governours is become a Cripple, and hath but one legg left to stand on; One of the *membra dividenda*, The members of the distinction, being no where to be found in *Rerum Natura*, In the world. And he might as truly and rationally have said, *Of Governours there are some that are somewhere, and some that are nowhere.*

All Governours limited by God *de facto* as well as *de jure*.

CHAP. II.

Concerning Mr. Baxter's Governours unlimited de facto. His Ingenuity, Charity and Logick taken notice of, and his Calumny cleared.

And here I might leave the poor Man intangled in his self-contradictions; and fallen himself into the pit which he had digged for me; but I remember that if our *Enemies Ox or Ass*, and much

T

more

An expedient
to help Mr. B.
out of his own
pit.

His Govern-
ours de facto
unlimited,
what.

more if our *Enemy himself* be fallen into a Pit, we are obliged in charity to doe what we can to help him out. And truly it will be no hard matter to doe it, if Mr. *Baxter* will be so charitable to himself, as to lend us his own helping hand towards it, by telling us truly and plainly what *Governours* he means by those he says are Unlimited *de facto*, and by telling us too by whom *de jure* they ought to be limited; for there must be some such *unlimited Governours* somewhere or other, or else (as I said before) his division which must be *Bipes*, two-legg'd at least (as all Logical divisions are) having lost one of its leggs, will *bestans pede in uno*, Standing onely upon one leg, and so no division at all. But there are no *Governours* that are not limited by God saith Mr. *Baxter*, and limited *de facto* as well as *de jure* saith the Bishop, and I think Mr. *Baxter* will not in cool blood deny that they are so: and therefore Mr. *Baxter's de facto Unlimited Governours* must needs be such *Governours*, as though they are both *de jure* and *de facto* limited by God, yet are *de facto* unlimited by Men, or by humane *Pacts* and *Constitutions*.

Speak out, Mr. *Baxter*; was not this your meaning in your *Aphorism*? Give glory unto God, and confess the truth, especially when it will be for your own advantage; for hereby you will extricate your self from thole otherwise inextricable difficulties you will inevitably continue to be involv'd in; I mean the aforesaid self-contradiction and self-condemnation, which will both of them evidently and undeniably follow, and fall upon you, if you persist in your asserting, that by *Limited* in your *Aphorism*, you mean *limited by God*. For then by *Unlimited* you

you must mean *Unlimited by God* also. And is it not a plain contradiction for you to say as you do in your *Aphorism*, that *some* Governours are *unlimited* or not limited, (meaning not limited by God) and to say as you do say in the words immediately following, that they are *all limited by God*? Is not this (I say) as plain a contradiction as to say, *Omnis homo est rationalis*, Every man is rational, and *Aliquis or Quidam homo non est rationalis*, Some man is not rational? It is so in our Logick, I know not what it may be in Mr. Baxter's. Again, is not the affirming of *some Governours* to be *unlimited* or not limited by God a denial, that *all humane Powers are limited by God*? and consequently doth not Mr. Baxter by affirming the former deny the latter, and thereby prove himself to be what he says I am, a *deser of Deity and Humanity*? Whereas, if he would acknowledge that by *limited* and *unlimited* Governours, in his *Aphorism*, he means limited and unlimited by men, or by humane Pacts and Constitutions, (as no doubt he did, and as by the whole drift and Tenour of all that follows from that *Aphorism*, to the very end of that whole Book it manifestly appears he did) neither would he have had any pretence to charge me with being a *deser of Deity and Humanity*, nor I have had cause for the vindicating of my self from being guilty of so horrid a Crime, to charge him with contradicting and condemning himself as guilty (upon the same supposition) of the same crime which he chargeth me withall: and consequently with pronouncing the terrible censure of being a *deser of Deity and Humanity* against himself; though really neither He for asserting, nor I for denying the truth of that *Aphorism* of his, do deserve to be branded

The Bishop of Winton's Vindication

ded with so black and supersevere a *stigma* or brand as that is.

Mr. B's Inge-
nuity in shuf-
fling in one
Proposition
instead of a
notion.

And therefore I do not positively charge him, as he doth me, to be a *desfer* either of *Deity* or *Humanity*; but all that I have said hitherto, hath been first and principally, for mine own Vindication from Mr. *Baxter's* calumny and aspersions; and (2.) in order thereunto, to let the World see, *first*, This *Godly Man's* candour and ingenuity in stating the question concerning the truth or falsehood of this *Aphorism* of his, betwixt him and me. For whereas he cannot choose but know that what I except against, and deny to be true in this *Aphorism*, is his asserting *all unlimited Governours to be Tyrants, and to have no right to their unlimited Governments*; he shuffles in another *Proposition* instead of this, and such a one as is neither affirmed or denied in this *Aphorism*, as if the Interloper were the same which I denied, (*viz.*) *That all humane Powers are limited by God*. But this is but *Antiquum obtinere*, To doe what he hath ever done; he cannot leave this juggling trick: for as he used it once before to disguise what he had asserted at the Conference at the *Savoy*, so he useth it now to disguise his *Aphorism* now in question, and will use it again and again upon the like occasion, as we shall see hereafter.

His design to
make the Bi-
shop odious.

Secondly, as by his shuffling in one *Proposition* instead of another, a true one instead of a false one, you may observe Mr. *Baxter's* sincerity and ingenuity, so by his shuffling in of this rather than of any other, into the place of that which was in question, you may observe his excessive charity towards me, and those of my Order. For designing to make a Bishop, and especially Bishop *Morley*, (for
so

so he is always pleased to call me, (not *honoris gratia*, For honour's sake, you may be sure) when by name he speaks of me) as odious as he could to all mankind, what more probable, or to the *Sectaries* more plausible, a *Medium* could he have devised to make use of to that End, than first to shuffle in this Proposition (*All humane Powers are limited by God*) and then to make me the denier of it, and finally thereupon to pronounce me a *deser of Deity and Humanity*?

Lastly, you may observe likewise his wonderfull skill in the art of reasoning, and the Transubstantiating power of his *Logick*, by which he will needs infer from my maintaining there may be a *lawfull* *unlimited Monarchy*, I do therefore deny all humane Powers are limited by God. O the weight of a Straw, when it is turned into a Club and wielded by such a *Hercules*! For what doth all this signify, but that he had rather bely himself, than not slander me, and that he had rather contradict and condemn himself, than not say something to make a Bishop, and especially Bishop *Morley*; to be thought to be an Atheist and a Blasphemer? not animadverting perhaps that the fiery darts which he flung at the Bishop might with much more force be retorted against himself; for *aliquando bonus dormitat Homerus*, Sometimes honest *Homer* is caught napping; or as we say, It is a good horse that never stumbles; and *Malice* sometimes is blind, as well as *Love*.

*His strange
Logick.*

By this time, I think, it is evident enough, according to Mr. *Baxter's* own way of reasoning, that either he himself is a *deser of Deity and Humanity*,

The Bishop of Winton's Vindication

*His calumny
cleared.*

*An address
to the main
Question.*

manity, or Bishop *Morley* is not. And God forbid, that by any concluding argument either of us should be proved to be so. But now this bold and groundless Calumny (from which, for the honour of my Order as being a *Bishop*, as well as for my personal reputation as I am a *Christian*, I was bound in the first place to vindicate my self) being removed out of the way; it is high time to come to the consideration of that which was, or ought to have been the τὸ ζήτημα the main Question, or the onely subject matter of debate betwixt Mr. *Baxter* and me in relation to this *Aphorism*: namely, whether I had reason to set down this in the Catalogue of those *Aphorisms* I excepted against, either as *false* and *erroneous*, or as *dangerous* and *seditious*; (and I confess I set it down, both as false and erroneous, and as dangerous and seditious also;) which I am now to prove it is.

C H A P. III.

The Aphorism aforesaid proved to be False, from the account of Paternal Government and ancient Monarchy. Governours not therefore Tyrants, because Unlimited.

And that we may not any longer *Andabatarum* more pugnare, Fight blindfold or in the dark, as Mr. Baxter loves to doe, without discovering or discerning what that is which is affirmed by one or denied by the other, I will once more repeat the Aphorism it self which is This. " ---- Of Governours The Aphorism in question.
 " some are limited, some de facto unlimited; the
 " unlimited are Tyrants, and have no right to their
 " unlimited Governments ---- This is Mr. Baxter's Aphorism in terminis; and this I confess is one and the first of those Aphorisms of his, which I think are all of them *nigro signanda lapillo*, To be marked with a black cole; as being all of them, (I mean all that I have specified) not onely false and erroneous, but, as I said before, dangerous and seditious also;

And I put this Aphorism of his in the first place, because it is the most general, as speaking of all Governours, Sovereign as well as Subordinate, lawfull and unlawfull, limited and unlimited; and pronounceth all the Unlimited, without exception, to be Tyrants, and to have no Right to their unlimited Governments. 2. I put it in the first place, because Mr. Baxter seems to have laid it as the Foundation or Corner-stone, upon which he superstructs

*This Aphorism
the foundation
of his Holy
Common-
wealth.*

superstructs all that follows, not in my Collection onely, but in that whole Book of his *Holy Commonwealth* (as he calls it) from Page 106 to Page 490. that is to the end of the Book: Upon this foundation (I say) all his several discourses that follow in that whole Book are superstructed;

As, 1. That *Of the objective or material differences of Government.*

2. That *Of the efficient and conveying Causes of Power.*

3. That *Of the happiest Commonwealth, and best form of Government.*

4. *How a Commonwealth may best be reduced to a Theocratical temper.*

5. *Of the Sovereigns Power over the Pastours of the Church.*

6. *Of the Sovereigns Prerogatives and Power governing by Law and Judgments.*

7. *Of due Obedience to Rulers, and of Resistance.*

8. And lastly, *Of the late War*; (for so he calls the late horrid *Rebellion*) for the justifying whereof, as this *Aphorism* is laid as the foundation, so all the aforesaid discourses that are built upon it, are especially and finally designed and intended; but most especially two of them, I mean that *Of the efficient and conveying Causes of Power*, and that *Of due Obedience to Rulers, and of Resistance.* These (I say) are the reasons why I put this before all the rest of his *Aphorisms* which I except against in my Collection.

1 And this I except against, *first*, as considered in it self, without relating to Us or to our Governours either Civil or Ecclesiastical, and so considered I say
2 it is *false and erroneous*: and *secondly*, I except against it

it also, as it may be considered, and as I verily believe it was intended, with a respect to our Government here in *England*; and so considered, I say it is *dangerous and seditious*.

First then I say that what Mr. Baxter affirms in this *Aphorism*, (namely, *that Governours de facto unlimited are Tyrants, and have no right to their unlimited Government*) is false, and erroneous considered in it self, as it is set down in general terms, without relation or application to any particular species or form of Government.

This Aphorism of his charged with falshood.

For proof whereof, and in order thereunto, I will presume to take for granted, 1. That by Governours (of whom he saith some are *limited*, and some are *unlimited*) he means *Sovereign or Supreme Governours*; Subordinate Governours being all limited by the Supreme, (and therefore none of them unlimited.)

Three things premised.

2. That by *limited* and *unlimited* is meant limited and unlimited by Men; there being no such thing as any Governour, how great or absolute soever, that can be said either *de jure* or *de facto* to be unlimited by God, as I have already proved.

And therefore, 3dly. I shall take it for granted also, that by his *de facto* unlimited Governours, he means such as are not *de facto* limited by men or by humane Pacts and Constitutions; and consequently of all such *Sovereign and Supreme Governours* it is that he affirms, that they are *Tyrants*, and that none of them have any right to their respective so unlimited Governments.

These things premised, I demand first of Mr. Baxter, what he thinks of *Paternal Government* or the *Government*.

- Government of *Fathers* over their Children, which was the first and most natural Government that ever was in the World, and was antecedent to *Propriety* in Nature, as well as in Time; though Mr. *Baxter* doth Magisterially *pro more suo*, According to his custom, define * *Propriety* to be in Nature antecedent to *Dominion*.

* Vide His
Apology for
the Noncon-
formists Mi-
nistry. p. 138.

But to let that pass, I demand (I say) whether *Paternal Government* was either *de facto* or *de jure* a limited Government by any humane antecedent Law, Pact or Constitution?

Adam the
first Govern-
our, unlimi-
ted.

- If so, I demand again, by whom or betwixt whom, was it made to be so? There were no Men to make it to before *Adam*, (unless Mr. *Baxter* will allow of the dream of the *Preadamites*) nor any besides *Adam*, untill the World began to be peopled with his Children; of all whom, I presume, Mr. *Baxter* will not deny their Father *Adam* to have been the lawfull Governour, though he was not, nor could not be limited by them, nor by any antecedent Covenant or Constitution made betwixt them and him: whence it follows, that either all *de facto* unlimited Governours are not *Tyrants*, and such as have no Right to their unlimited Governments, or that *Adam* the Father of all Mankind, and the first Governour that ever was in the World, was a *Tyrant*, and had no right to Govern his own Children, as he did, and his Childrens Children also, or at least had a right to do so as long as he lived; which was very near a thousand years. So that if any during that time did not submit to his Government, it was not because he was not a lawfull, though an unlimited Governour; but because who-soever disobeyed or resisted him, were not onely
unnatural

unnatural Children but rebellious Subjects; of whom Cain that killed Abel his Brother was the first, and probably so were all descended from him, a wicked and rebellious generation, who for their rebellion against God and God's Vicegerent their Father Adam, their Sovereign Lord and King, were all swept away by that universal Inundation and Deluge, wherein all mankind perished, but Noah and his Family onely, who were none of the cursed offspring of Cain, but the Posterity of Seth, whom God gave unto Adam, instead of Abel, whom Cain slew.

Cain the first Rebel.

After the Deluge, the first Monarch of the new World *de jure* was Noah, and probably *de facto* too as long as he lived, or at least as long as he and his Children and his Childrens Children lived together or near one another; and were all one people, and of one language (as the Text tells us they were) untill they set upon the building of Babel: but as soon as there was a confusion of Tongues, some speaking one language and some another, then (saith the Text) they were scattered over the face of the Earth; those that spake the same language and understood one another going together to the same place, and planting themselves in the same Countrey; which being then uninhabited was *jure naturali*, By the right of nature, *primi occupantis*, His that took first possession; and *jure Divino positivo* also, By God's positive law; God himself telling us, that he hath given the earth to the children of men; that is, to be possessed, inhabited, and cultivated by them.

Noah the first Monarch after the flood.

So that there were as many several Colonies which afterwards grew into as many several Nations, as there were then several Languages, and as many several

An account of Government after the confusion of languages.

veral Governours in chief over them, who if they were
 / not the *Fathers* and Heads of the several *Colonies*
 (as probably enough they might be, and then the
 Regiment might still be *Paternal*) yet were without
 2 doubt such, as for their eminent courage and vertue,
 were submitted to by the rest of the same Language;
 or took upon themselves to be first their *Conduc-*
tors to their several places of habitation, and then
 to be their *Kings* or Supreme Governours after
 they came thither, and became one People or Body-
 Politick.

Unlimited
 Monarchy
 most ancient.

So that upon this division and distribution of
 Mankind into several *Countreys* and *Nations*, were
 those first Kings, whom *Justin* speak of, when he tells
 us that *Principio rerum; Gentium, Nationumque Impe-*
rium penes Reges erat, That all Nations at first were
 governed by Kings, & *arbitria Principum pro legibus*
erant, And the Will of the Prince (saith he) was the
 Law of the People: so that as *Monarchy* (next to the
Paternal) was the most ancient of all Govern-
 ments, so Arbitrary or *unlimited Monarchy* was the
 most ancient of all Monarchies. I say *most ancient*;
 I do not say the *best*; for I do willingly acknowledge
 a *Political Monarchy*, (such as ours is in *England*)
 where the people are Governed by a *King* governing
 by *Laws*, and by *Laws* made for them by the King,
 with their own consent, is incomparably a much bet-
 ter Government both for King and People, than an
 absolute, arbitrary and *Despotic Monarchy* is, or can
 be; as I did at large assert and maintain in the *Sermon*
 I preached at our present *King's Coronation*, and after-
 wards printed by his Majesty's special command;
 which I add to shew, that the King himself was of
 the same Judgment as to that Particular.

Political Mo-
 narchy (or
 ours is) better
 than Despo-
 tical.

But

But yet for all that I am not afraid to affirm, that Mr. Baxter's Political Aphorism I am now speaking of, viz. *That all unlimited Governours are Tyrants, and have no right to their unlimited Governments,* is false in it self, and the publishing of it, as it is capitally criminal in a Subject of any *unlimited Government*, so it is of dangerous consequence and seditious, even in a limited or *Political Government*, of any *Species* or kind whatsoever.

Mr. B's opinion of unlimited Governours false and dangerous.

For there is no *Species* or kind of Government, whether it be *Monarchical*, or *Aristocratical*, or *Democratical*, but it may be *limited* or *unlimited*, and it may be more or less limited; but none of them are therefore *Tyrannical*, because they are *unlimited*.

unlimited Governours not Tyrants, because unlimited.

For *Tyrannus* a Tyrant, properly so called, I mean as now the word signifies; (for at first it signified neither more nor less than a *Monarch*, or One governing All) is either *Tyrannus usurpatione*, a Tyrant by Usurpation, or *Tyrannus exercitio*, a Tyrant in Administration; that is, such a one as doth either violently and injuriously usurp the Government which he hath no right to; or though he hath a right to it, doth wickedly and injuriously behave himself in the exercise of it. And such in both respects was *Cromwell* (if ever there were any) notwithstanding Mr. Baxter's magnifying of him, when time was, and exhorting his Son to follow his example in Governing as he did; which was, as he saith, *to his immortal glory*, and yet was as arbitrarily and as unlimitedly, as ever any of the *Assyrian*, or *Persian*, or *Roman Emperours* did heretofore, or as the *Turk* or great *Mogul* now do.

Two sorts of Tyrants.

Cromwell in both senses a Tyrant.

And

Several unlimited Monarchs, no Tyrants in either sense.

And so may any *unlimited Monarch* doe, and yet be neither an Usurper, nor an unjust Governour, nor consequently be a *Tyrant* in either of the true notions of a *Tyrant*, as *Cromwell* was in both: for as in the Monarchies before named, and in all other Kingdoms in all parts of the World, the *Succession* of Princes one unto another was *Hereditary*, generally at least, and I think I may say universally, till of late, and consequently They cannot all of them be said to have been Usurpers, or *Tyrants by Usurpation*; so many of them have been Just, and Wise, and Temperate, and every way most excellent Princes; and so beloved by their Subjects while they lived, that they were Deified and adored by them after they were dead; and consequently they were not all of them *Tyrants* in the *Exercise* of their Governments, though they were *unlimited* by any antecedent Pact, Covenant or Constitution betwixt them and their Subjects: which is enough to prove that all *de facto* unlimited Governours are not *Tyrants*, and consequently to prove this *Aphorism* of Mr. Baxter's which affirms they are so, to be false. Neither if it could prove them to be *Tyrants Exercitio*, that is to govern Tyrannically, would that prove them to have no Right to their Government, supposing them to be no Usurpers.

CHAP. IV.

No obligation from any Law, either of God or Nature or Nations, that all Governours should be limited by the People. Conquerours in a just War have an Unlimited right; and for the people conquered, after submission, to rise up against them is Rebellion.

BUT Mr. Baxter perhaps will reply, All of them are therefore *Usurpers* because they are *unlimited*, as indeed he seems to insinuate by annexing *de facto* to unlimited; as if *de jure* all Governours ought to be limited in their governing by antecedent Covenants and Compacts betwixt those that are to govern, and those that are to be governed by them; and therefore those Governours that are not so limited or precontracted with, are *Tyrants*, and such Tyrants as have no right to govern, because *de jure*, by right, they ought to be limited or precontracted with. And this I do verily believe to be Mr. Baxter's genuine sense and meaning in this *Aphorism*; and he that reads what he writes afterwards, especially in his *Aphorisms* and discourses of the *Causes of Conveying power*, and of *Obedience and Resistance*, will I am confident be of my mind as to this particular.

Mr. B's meaning perhaps, that all Governours ought *de jure* to be limited.

Now if the reason why he doth so magisterially pronounce all those *Governours* that are *de facto* *Unlimited* to be *Tyrants*, and to have no right to their Governments; be, because they ought *de jure* to be limited, I mean so limited as is before declared;

No obligation that all Government should be so limited by any law.

I de-

I demand *quo jure*, By what right or law, they are
 1 obliged to be so limited? Was it *jure divino positivo*
 2 *vo*, By divine positive law? or was it *jure divino*
 3 *naturali*, By divine law of nature? or was it *jure*
gentium, By the law of nations? for one of these
 three it must be, or else it could not be obligatory to
 all *Governours* and all *Nations* that are to be Govern-
 ed by them.

1. Not by the
 positive law
 of God.

But first it was not *jure divino positivo*, By divine
 positive law. For where or in what place of God's
 word, either of the new or old *Testament*, do we
 reade any positive command of God, that the Kings
 or Governours of all Nations, or of any Nation,
 should be antecedently limited by Pacts or Cove-
 nants agreed upon betwixt them and the People,
 over whom they were to reign, before they could
 have any just Right or Title to govern or reign over
 them? I am sure the Kings of *Israel*, though they
 were limited by God, not as Men onely, and as all
 other Kings are, but as Kings, or in the execution
 of their Kingly Office, and that *jure positivo*, By posi-
 tive law, as well as *jure naturali & morali*, By na-
 tural and moral law; yet they were never limited
 by the people either *antecedenter* or *consequenter*,
 neither *à parte ante* nor *à parte post*; nor was there
 any command of God, or so much as any intimati-
 on from God that they should be so.

2 Not by the
 laws of nature.

Again, as such limitation of Governours by the
 People is not *de jure divino positivo*, By any positive
 law of God, there being no positive Command in
 God's word for it; so it is not *de jure divino natura-*
li, By the law of nature, neither; for then it would
 have been *de facto* likewise at first as well as after-
 wards; and in all places as well as in some; especially
 in

in such places, where there are no other rules or Laws for the People to live by, but the dictates of *Nature* onely; as in all inhabited places of the lately discovered New world, where we find no other Government, but by *Kings* or Monarchs, no nor other Kings or Supreme Governours, but such as are *unlimited*.

Lastly, as such a limitation of Kings or Supreme Governours by the People, is neither *de jure positivo* ^{3. Not by the law of Nations.} nor *naturali*, Neither by any positive law, nor by the law of nature; so it is not *de jure Gentium*, By the law of Nations, neither; For nothing is *de jure Gentium*, By the law of Nations, but that wherein the interest of all Nations is concerned; as freedom of *Trade* and *Commerce*, the inviolableness of the Persons of *Ambassadors*, &c. but how is the interest of all other Nations concerned in this or that particular Nation's being governed by a *limited* or *unlimited* Prince or Governour? and supposing the first Kings or Sovereigns to have been *unlimited*, as *Justine* and all other Historians tell us they were; and as in all probability they were indeed in the first plantation of the World: and supposing too their unlimited Governments to have been *Hereditary*, as all History Humane and Divine do testify also: I would fain know, how the *Heirs* and *Successors* of such *unlimited* Princes could come to be limited. It could not be upon the account of a conditional *Election*; for an Election cannot be, but into a place that is void; but in an Hereditary Kingdom there is never any vacancy, because in an Hereditary Kingdom *The King never dies*, though the man who was King doth; for immediately as soon as the Father ceaseth, the Son or next Heir begins to be

The King never dies, how to be understood.

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be King, and to be King as his Father was, that is, an *unlimited Sovereign* as his Father was, and so from generation to generation. And then Mr. Baxter must grant, that the Hereditary Successours of *unlimited Governours* may have a Right to their unlimited Governments, and such a right as their Subjects cannot deprive them of, without such a Governour's own consent; nor he deprive his Heirs of the same right, by his consenting to the limitation or lessening of it; unless they and every one of them consent to it also.

Or else he must prove that a free People, or a People that were *sui juris*, At their own disposal, and under no Government at all (if there were ever such a people in the World) might not voluntarily and lawfully submit themselves to the Government of one or more Governours, without any antecedent Pact or Covenant to *limit* him or them in his or their Government; and for proof of this he must produce some universal binding Law to the contrary; which untill he can doe, I do and must still affirm, that *unlimited Governours* (supposing them to be no Ufurpers, and that they do not reign tyrannically, as certainly there be some that do not) are not all of them *Tyrants*, because they are *unlimited*; or *such as have no right to their Governments* upon that account onely; and consequently that this *Aphorism* of Mr. Baxter's, which affirms the contrary, is *false*; and would be *Treason* and justly punishable as *Treason*, if it were affirmed by a Subject of a *Despotical* Prince or Sovereign, such as all Kings at first were; and such as all Kings in the East and West-Indies, and in *Africk*, and some in *Europe*, as the *Turk* and *Muscovite* and *French King*, are at this day.

The consequence driven home.

Where-

Whereunto may be added the *unlimited* Right and Title which *Conquerours* have over those they have conquered; I mean such *Conquerours*, as by a just War are become Lords and Masters of the lives and fortunes of those they have subdued; whether they be *Rebels* or *Enemies*; and therefore as they may justly save the lives of as many or as few as they please, so, and much more so, may they justly govern those, whose lives they have saved, as they think fit, and most for their own advantage; as the *Israelites* did the *Gibeonites*, making them *Hewers of Wood and drawers of Water*; that is, by employing them in all manner of drudgery, and servile works: And thus and worse than thus, *David* did to the *Ammonites*, even to all the people of the cities of *Ammon* (saith the Text) which he had conquered, putting them under sawes and harrows of iron, and making them pass through the *Brick-kilns*, because they had violated the *jus Gentium* or the law of Nations, by the barbarous usage of his Ambassadors, whom out of kindness he had sent unto them. And yet (which is observable) the *Ammonites* were none of those Nations, which God had devoted to destruction, and commanded the *Israelites* to make war upon; but it was a War the *Ammonites* had justly drawn upon themselves with the sad and severe effects of it.

Conquerours in a just war, unlimited.

Instances out of Scripture.

And what if our *King* having been so long, and so continuedly, and so outrageously injured and provoked by the *Algerines* robbing and pillaging of his Ships, and enslaving and murdering of his Subjects, should make War upon them, and by God's blessing vanquish and subdue them, making himself

The like Case supposed betwixt our King and the Algerines.

Master of all they have, both of strength and wealth, both by Sea and Land, and of that den of Thieves it self (I mean the City of *Argiers*,) might he not, if he would, justly destroy them all? or if he thought it better for himself, or more for his own Interest, sell them all for slaves, or use them all as slaves to tug at the Oar all their life long in their own Gallies, or to dig in Mines and Quarries, or to mend high ways, or to put them to any other toilsome or fordid labour, and to have nothing for it but brown Bisket and water for their food, and for their clothing any thing that will but cover their nakedness; and all this while to be beaten as often and as much as their Task-masters shall think fit to inflict it? This would be very hard usage you will say, but no harder than that wherewith they have used others; nor no harder than a Conquerour may most justly inflict on such inhumane Monsters, and such protest Enemies of all mankind, as they are. Howsoever I hope *Mr. Baxter* will not deny such a Conquerour to be an *unlimited* Governour of those whom he hath so conquered, and yet to have a just right and Title to his unlimited Government, as every *Master* hath likewise over his *slaves*, whether they be *born in his house*, or *bought with his money*, without capitulating with them before-hand, how he shall govern them, or how they will be governed by him.

Whether a-
conquered peo-
ple may after
submission free
themselves by
force? But may not a People though conquered in a just War, and deservedly made and used as slaves and Vassals by the Conquerour, doe what they can, to free themselves from that slavery and servitude?

Mr. Baxter thinks they may, as appears by what he saith *Page 193*, of his *Holy-Commonwealth*, where
L. he

he tells us that *Dominatio*, that is, (in his sense) any unlimited Government is penal to the Subjects, and they may escape it if they can, yea though they have submitted themselves to such a servitude: and consequently, à fortiori, By stronger reason, they may doe what they can to free themselves from it, if they be forced by a Conquerour to submit to it.

But this was not the judgment or doctrine of the Prophet *Jeremy*; for *Nebuchadnezzar* had no right or title, but that of *Conquest*, to that unlimited power he exercised over the *Jews* by making what *Viceroy*s he pleased to govern them, and by imposing and exacting what tribute he pleased from them; and by forcing their King his Vassal to take an Oath of Allegiance to him, which is called the *Oath of God*, and for the breaking whereof *Zedechiah* (whom *Nebuchadnezzar* after he had deposed *Jehoiachim*, made his Viceroy under him) seeking to free himself and the people from that bondage or unlimited power, which the King of *Babylon* exercised over them, is by God himself declared to be a *Rebel*, and his endeavouring to cast off that unlimited yoke is called *Rebellion*; and *Rebellion* it could not be, unless it had been a rising up against a rightfull Sovereign: and therefore as God called it a *Rebellion*, so he punish'd it as a *Rebellion* by giving up *Jerusalem* and *Zedechiah* himself into the hands of him against whom he had rebelled; who after he had slain his Children before his eyes, he presently caused them to be put out, that the slaughter of his Children might be the last thing he should ever see; and then carried him captive unto *Babylon*, and kept him in a dungeon till he died: he caused likewise the walls

The prophet
Jeremy of
another judg-
ment.

2 Chron. 3:
13.
Jerem. 5.2.

Zedekiah's
casting off the
yoke of the
king of Baby-
lon, called
Rebellion and
punished as
such.

of.

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of *Jerusalem* to be broken down, and the House of God it self, that glorious fabrick, that wonder of the World, to be destroyed, and all the Nobility, Clergy, Gentry, and Artificers of the Nation to be carried away captive also, together with all the wealth and whatsoever was worth the carrying away, leaving nothing but some of the poorer sort of labouring People to dress and till the ground, and to keep it from being overrun with wild beasts. So that all the *Jews* got by this and their former Rebellion against the King of *Assyria*, was but the making of their yoke harder to be born, and heavier than it was before; as it seems by the Prophet *Jeremy's* sad bewailing of it in his Book of *Lamentations*. And as the Prophet *Jeremy* declares the Effects, so the Prophet *Ezekiel* declares the Causes of this their miserable condition; namely their Perjury, breaking the *Oath of Allegiance* they had taken, and their revolting from their obedience they had sworn to the King of *Babylon*, who had conquered them and forced them to submit to his unlimited power in Government of them; which if it had been unlawfull for them to obey, God would not have suffered them to be punished as they were, for endeavouring as they did, to free themselves from it; at least he would not have called that endeavour of theirs a *Rebellion*, and specified it as the main cause, for which they were so punished.

Witnessed by
the prophet
Ezekiel.

And it is very observable, that though God had promised to free them from that yoke, which first the *Assyrians* had laid upon them, and afterwards the *Persian* Monarchs did keep them under; yet, when after their seventy years Captivity was accomplished, and the prefixed time of their deliverance

Their deliverance at
last from the
Babylonish
captivity, was
not by force
of Arms.

was

was come, as the Text tells us *Daniel* knew by Books (namely by what he had read in the former Prophets) it was, God would not suffer them so much *a* as to endeavour to deliver themselves by strong hand, or by rising up in Arms against their unlimited Sovereign, as no doubt he could have done if he would; but he put into the heart first of *Cyrus*, and afterwards of *Artaxerxes* Kings of *Persia*, then their Masters and unlimited Sovereigns, not onely to give them leave to return into their own Countrey, but abundantly to furnish them with Money and Materials of all sorts, for the rebuilding of the Temple and City of *Jerusalem*, as is recorded at large in the Books of *Ezra* and *Nehemiah*.

And like unto this was their former Deliverance out of the land of *Egypt*, out of the house of bondage, from whence after a long and grievous slavery they were brought out by a strong hand indeed, but not by a strong hand of their own; for as they never attempted any thing against the arbitrary unlimited Government they lived under, during their very long and very cruel slavery in *Egypt*, so when at last they went out of it, they went not out without *2* *Pharaoh's* leave to doe so; though there were above Six hundred thousand fighting Men amongst them, a number sufficient to have made their way by force against all the Power *Pharaoh* could have raised to hinder it; but God would not give them courage, or suffer them to doe so, to the end that there might be no countenance or colour for Rebellion, against even the most unjust, and injurious, and tyrannical Sovereign Powers, to be found upon record in his Word, as allowed by him in his own People, to justifie or encourage any other people or persons, upon any pretence.

As neither was that from the Egyptian bondage.

The reason of this, to give no countenance to rebellion.

tence to rebell against their Sovereigns, whether *limited* or *unlimited*; nay whether they were no *Tyrants* or *Tyrants*, so they were not *Usurpers*, and consequently *Rebels* themselves against their rightfull Sovereign.

For, as I have already proved, that all *unlimited Governours* are not *Tyrants*, because they are *unlimited*: so I am now to prove that all *Tyrants* do not *lose their right to their Government*, because they are *Tyrants* or because they govern tyrannically, still supposing them to be no *Usurpers*.

C H A P. V.

That lawfull Governours by being Tyrants, do not forfeit their Right to their Government, proved from Scripture, both Negatively and Affirmatively.

What a Tyrant
is, in Mr. B's
notion.

NOW what or whom Mr. Baxter himself doth mean by *Tyrants* here in this place, it is plain and evident from what he saith Page 86. of his *Political Aphorisms*; where distinguishing betwixt an *Usurper* and a *Tyrant*, he tells us, that *An Usurper is he that wants a Title, and A Tyrant is one that doth abuse it, or useth it not as he ought to use it; that is (saith he) for the common good.* So that in his Notion of a *Tyrant*, he that hath never so just a Title to the Government, if he govern not as he ought to govern, is a *Tyrant*; and if he be a *Tyrant*,
he

he hath *no Right* (saith he) *unto his Government*, whether it be limited or unlimited.

No, saith Mr. *Baxter*, I do not say he hath no right to his Government, but that he hath no right to his unlimited Government, whereby I confess I know not what he means, unless it be this, that an unlimited Governour is not a Governour, but a Tyrant; and that he hath no right to his unlimited Government, because there ought to be no such Government.

But then again, what will become of his division of Governours, and consequently of Governments also, into some that are *limited*, and some that are *unlimited*? If he reply, that though *de facto*, As to matter of fact, there be some Governours and Governments that are *unlimited*, yet *de jure*, As to matter of right, they ought all of them to be *limited*; and consequently, no man can have a right to an *unlimited* Government, because a Government that is unlimited is no rightfull Government. If this be his meaning, it is but *petitio Principii*, A begging of that which is in question, nay of that which I think I have put out of question already, by the Instances I have given. (1.) of *Paternal Government* in the Old World before the Flood. (2.) Of the first *Monarchs* in the New World after the Flood. (3.) Of all *Conquerours* over those whom they have conquered in a just War; who were all of them *unlimited Governours* by any humane Constitution, and that not *de facto*, As in fact, onely, but *de jure*, In right, also; there being no positive law of God, nor no humane antecedent Pact, or Constitution to the contrary. Such likewise were the *Roman Emperours*; and yet their Right and Title to their *unlimited*

A Governour's being unlimited, no hindrance to his Right.

imited Government was never question'd, either by
 - *Christ* himself, or by any of the *Primitive Christians*, who were his first and best disciples. So that
 there is no more to be said to prove that it is not
 the Governour's (I mean the *Sovereign* or *Supreme*
 Governour's) being *unlimited* that can make him
 to have no right to his *unlimited Government*.

*A lawfull Go-
 vernour's be-
 ing a Tyrant,
 doth not for-
 seit his Right.*

Neither need there to be much said to prove, that
 it is not the lawfull Governour's being a *Tyrant* (whether
 he be *limited* or *unlimited*) that can make him
 lose or forfeit the right he had, or hath, unto his
 Government, so as to free his Subjects from their
 obligation of obedience to him, or warrant their
 taking up of Arms, or rebelling against him, and
 consequently to depose him and put him to death:
 for upon the same ground, and by the same reason
 the former may be done, the latter may be done also.
 So that the *Presbyterians* are no more excusable from
 being our late blessed King's murtherers, than the *In-
 dependents*; the latter inferring the *Conclusion* from
 the *Premisses* of the former. But this by the way
 onely. I proceed to the proof of what I have in hand,
 namely,

*The Propo-
 sition to be
 proved.*

*That a lawfull Sovereign, whether limited or un-
 limited, doth not lose or forfeit his right to his So-
 vereignty or Government over his Subjects by being a
 Tyrant, or by Governing them in a Tyrannical man-
 ner; so as upon that account his Subjects may law-
 fully disown or rebell against him.*

*Several ar-
 guments to
 prove it.*

1. Because there is nothing in *God's word* to war-
 rant it.
2. Because there is much to be alledged out of
God's word to disprove it.

3. Because

3. Because the Doctrine and Practice of the Primitive Christians is against it. 3
4. Because it seemeth to be a contradiction to the nature of the thing it self to maintain it. 4
5. And lastly, Because supposing, but not granting it to be true, it would be mischievous to Mankind and destructive to humane Society in the practice of it. 5

And first, this *Aphorism* or Assertion of Mr. Baxter's, viz, *That a Sovereign or Supreme Governour (whether limited or unlimited it matters not) hath no Right, or forfeits the Right he had, unto his Government, if he be a Tyrant, or Governs otherwise than by the Laws of either God or man or both he ought to do ;* is False, because there is nothing in Scripture either of the old or new Testament to warrant the truth of it. For this being a matter of so important and universal a concernment as it is, in regard of all Times, Places and Nations, though God foresaw that some, nay many, very many of the Kings or Supreme Governours, both unlimited and limited, not onely of other Nations, but of his own People, would be *Tyrants*, that is, such as would govern their Subjects, not with Equity, Justice and Moderation, as they ought to doe ; nor according either to Divine or humane Laws (though of their own making) but according to their own Will and pleasures: yet there is no mention of any forfeiture of their Right to govern their Subjects that they incur by it, nor of any permission for their Subjects to rise or rebell, no nor so much as to defend themselves by any kind of force against them; much less to depose them or to set up others in the stead of them: which if they might have done, or

The 1. Argument.

if it had been best for them to doe so, God no doubt (having so special and peculiar a care of them and kindness for them more than he had for any other of the Nations) would have permitted them (at least) to have done what they could, to have freed themselves from so heavy a yoke, and told them how; and when, and in what case they might have done so: which because he hath not, we may be sure it was not his Will they should doe so, and consequently it was not lawfull for them to doe so; and if not for *them*, then certainly 'tis for no other Subjects of any other Nation neither.

The 2. Argument from Scripture Affirmatively.

Obedience to Nero himself, strictly commanded.

Again, besides this proof of the falseness of this Aphorism *ab autoritate Scripturæ negativè*, From the authority of Scripture in a *Negative* way, because there is nothing in *Scripture* to justify the truth of it by: there be many *Affirmative* and positive places in *Scripture* to prove the contrary; namely, that *Sovereign Princes* or Supreme Governours do not forfeit their Right to their respective Governments though they be *Tyrants*, or because they are *Tyrants*; nor are their Subjects disobliged from their Allegiance and Obedience to them in all lawfull things because they are so. Such are all those places in the *New Testament*, which command obedience to the Sovereign or Supreme Governours that then were; and particularly to *Nero* himself the *Roman Emperour*, who was not onely one of the worst of Men, but the greatest of *Tyrants* that ever was in the World. And yet it was in his time, and for subjection and obedience to him, and not to the *Roman Senate* as partakers of the Sovereignty with him, (as Mr. *Baxter* would have it) that those strict commands were given to the *Christians* of those

those times, that were his Subjects, to obey him in all his lawfull commands, and not to resist him, not *avstare dei*, though they could not obey him, when he commanded what was sinfull or unlawfull.

Moreover it is observable, that as the Prince then reigning, when these commands of obedience to him, and not resisting of him, were given to the *Christians* by the *Apostles*, was a most merciless and cruel *Tyrant* toward all his Subjects in general, and most of all to those that professed themselves *Christians* in particular: So it is observable (I say) that at this very time this cruel Tyrant did actually persecute the *Christians* in a most horrible and outrageous manner and measure; and yet even then; when and whilst they were so cruelly persecuted - by him, they were commanded to behave themselves as dutifull and obedient Subjects towards him, and that for *Conscience sake*, and not for fear of punishment onely, or for fear of being worse and worse used by him; which the *Apostles* (who knew the mind of God much better than we do) would never have commanded them to doe, if *Nero*, by his tyrannical usage of them, had lost his right to govern them, or ceased to be their Sovereign.

And that
when *Christi-
ans* under his
actual perse-
cution.

Lastly, as it is observable at what time these Precepts of obedience to *Sovereign Princes*, and of not resisting them, were given to their *Christian Subjects*, (namely, when the worst of *Men*, and greatest of *Tyrants*, and first *Persecutour* of *Christians* was their Sovereign) so it is worth our observation also, to take notice of the Persons, whom the Holy Ghost made choice of to publish and proclaim these Precepts unto the World. They were *St. Peter* and *St. Paul*; of whom the one had been reproved

Why *S. Peter*
and *S. Paul*
made choice
of, to preach
up obedience.

1 reproved by *Christ*, whilst he was upon the Earth, for resisting the Magistrate, though it were in defence of *Christ* himself; and the *other* was reproved by *Christ* from Heaven, for obeying the Magistrate's sinfull commands by persecuting *Christ* in his members: but both of them had now better learned *Christ*, namely, neither to *obey* the Magistrate when he commanded them to doe that which was sinfull, nor to *resist* him when he persecuted them for not obeying of him. And what they had learned themselves, they of all the rest of the *Apostles* were the fittest to teach others; because as the *one* of them was more peculiarly than any other of the Twelve, the *Apostle of the Jews*; so the *other* of them was as peculiarly the *Apostle of the Gentiles*; and both of them so by God's own appointment: so that the whole world being according to Scripture divided into *Jews* and *Gentiles*, the whole world or all Mankind might be taught this doctrine, which it so much concerns the peace of the world, that all men should learn and practice, namely, the Doctrine of indispensable either *active* or *passive Obedience* of *Subjects* to their *Sovereigns*, how ill soever they are governed or how much soever they are oppressed by them.

C H A P. VI.

This Proposition farther proved from the Practice of the Primitive Christians.

And as this was the doctrine preached both to Jews and Gentiles by the Apostles; so was it believed and practised by the Primitive Christians, who followed herein the example of Christ their head, of whom as it was foretold by the Prophets, so it is recorded by the Evangelists, that he was oppressed, and he was afflicted, yet as a sheep before the shearer is dumb, so he opened not his mouth, but without murmuring or contradiction submitted himself to the sentence of an unjust Judge, and patiently endured the execution of it; leaving to us an Example (as St. Peter tells us) of suffering as he did without resisting those that are in authority, though they use it or abuse it unjustly and injuriously, and though it be in our power to resist it, as I am sure it was in Christ's. And herein (I say) the first and best of his Disciples follow'd his example; I mean the Primitive Christians of the three first Ages, that is, all the while they were subject to Heathen and Tyrannical and persecuting Princes; and yet we do not read that ever they did so much as make any the least doubt of the right, those Tyrannical and persecuting Princes had to govern them: much less did they upon the pretence of those Princes having forfeited their Right to their Government, ever take up arms either offensive or defensive, against any of them; as no doubt they might and would have done, if they

The 3. Argument from the practice of the Primitive Christians.

Whilst under Heathen and Tyrant Princes.

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they had thought or had been taught, that those Princes had either had no right to govern them, because they were *unlimited*, or that they had forfeited the Right they had, because they were *Tyrants*.

Their non-resistance not for want of power, &c.

But out of conscience to God.

For it was not out of *Stupidity*, or because they were insensible of their sufferings, neither was it out of *Puillanimity*, or want of courage to encounter with their enemies, though never so numerous; for how could they that did not fear death, the most painfull and tormenting death, fear any thing that men could doe unto them? nor lastly, was it *Weakness* or *want of power* to make resistance or to defend themselves against their persecuting Princes, that was the cause they did not, (as not onely *Bellarmino* and other *Papists*, but many of those that call and think themselves to be the best of *Protestants*, are not ashamed to say it was) but mere *Conscience* of their duty to God, in obeying even such Princes as those were, by doing whatsoever they commanded which God had not forbidden, willingly and chearfully, and by suffering meekly and patiently whatsoever they did wrongfully inflict upon them, for not obeying them when they could not obey them and God too; as it undeniably appears by those *Apologies* that were made in the name of all the *Primitive Christians* of those times, by *Justin Martyr*, *Tertullian*, *Athenagoras*, and others, who all of them tell their persecuting Emperours, that it was not for want of force or courage, but merely *for conscience sake* and because their Religion had forbidden them to doe so, that they did not take up Arms to defend themselves against those Powers that God had set over them; though

though the power they received from God were never so ill used or abused by them.

Which having made appear from *Precepts of Scripture*, and from the *Practice* of those Precepts by the *Primitive Christians*, one would think there need no more to be said to justify my exception against this *Aphorism* of Mr. Baxter's, as being contrary to what was taught by *Christ* and his *Apostles*, and what was practised by the first and best of their *Disciples*.

C H A P. VII.

The Revolt of the ten Tribes from Rehoboam, if it were by special commission, no warrant to us.

BUT yet because there is something in the *Old Testament* (which is the word of God as well as the *New*) which may seem to favour Mr. Baxter's opinion; namely, *That Tyrants have no right to their Government, or that Sovereign Princes by becoming Tyrants do lose or forfeit the right they had unto their Government*; we will consider what can be alledged out of the *Old Testament* to prove that Assertion.

There is no such *Law* I am sure, nor no such positive declaration of God's Will, that a *King* or *Sovereign Prince* ceases to be a king or *Sovereign*, when he is, or because he is a *Tyrant*; or that his *Subjects* shall cease to be his *Subjects*, or cease to acknowledge and obey him as their *Sovereign* upon that

Z

account,

account, or indeed upon any other account whatsoever: much less is there any thing said in the *Old Testament* to warrant or justify the deposing of Sovereign Princes by their Subjects, upon any pretence of male administration of their Government in any kind or any degree. And therefore if there were never so many *Examples* or *Instances* in matter of fact to the contrary, they would never prove the thing it self to be lawfull. But indeed there is but one *Instance* or *Example* in the whole *Old Testament*, applicable to this purpose, and that is that of *Rehoboam*, from whom the *ten Tribes* revolted, for but threatening he would oppress them more than his Father had done.

The ten Tribes
revolt from
Rehoboam
examined.

Now from this one *Example* onely, there be some that do conclude, that *Subjects* in case of *Tyranny* and oppression by their *Sovereigns* (especially if there be otherwise no hope of their being eased or freed from it) may lawfully doe as the *ten Tribes* did, revolt from them and set up others to reign over them.

- 1 But as, *à facto ad jus non valet argumentum*, From matter of fact to matter of right is no good consequence; so neither, *à semel facto ad semper sic faciendum*, From a thing's having been once done, to have it alway so done, is no good consequence neither. So that supposing, but not granting, that it was lawfull for *Jeroboam* and the *Ten tribes* to doe as they did, because *Jeroboam* had been formerly told by the Prophet *Ahijah*, That God would give him those ten Tribes to reign over them; and because God himself, speaking of the revolting of the ten Tribes from *Rehoboam*, saith * expressly, that the thing was from him: supposing I say that upon these

* 1 Kings
12. 24

conside-

considerations this fact of *Jeroboam's* and the ten Tribes in revolting from *Rehoboam*, and setting up *Jeroboam* in his stead to reign over them, had been no Rebellion of the People against their lawfull Sovereign; but an execution of God's command against him, who, though he was their Sovereign, was but God's Subject; and therefore might be punished by him, when, and how, and by whom, and to what degree he pleased; as having forfeited to him for his own and Father's sins all the power and dominion he had over his Subjects, as derived from him, and held of him, and that but *durante bene placito*, During his good pleasure, onely; what I say if, upon such considerations as these, that particular fact of *Jeroboam* and the ten Tribes were justifiable, would it follow that any other Subject or Subjects, without such a special or particular Commission from God, as they had, might doe as they did? Would it not follow as well that any man might commit Murther, and the most barbarous and the most unnatural of all murders, I mean the murther of his own and onely Son, because *Abraham* was not onely permitted, but commanded by God to doe so, nay and commended by God for being so ready and so willing as he was to doe it? And would it not follow as well likewise, that any man might rob, and spoil their Neighbours, because the *Israelites* did so to the *Egyptians* and were blameless, because God who is *Lord Paramount* of all mens lives and fortunes, (and to whom all men have forfeited themselves and all that they have by their sins) had given them a special and particular Commission to doe so? Whereunto I might add the killing of *Zimri* and *Cozbi* by *Phineas*,

Suppose
what they
did, might be
by special
Commission.

The like cases
of Abraham.

Of the *Israelites*.

2

Of *Phineas*.

Z 2

which

*Those cases
applied.*

*No warrant
hence for us
to do the like.*

3 which was done no doubt by God's special inspiration, because God was so well pleased with it, that the Plague in the heat and height of it presently ceased; and *Phineas* was by God himself highly commended and rewarded for it. And yet I believe, that if any man were indicted and arraigned either for Robbery or Murther, though those that he robbed were *Egyptians*, that is never so much his own or God's enemies, or if those that he killed were actually committing never so great a sin: I believe, I say, that one's pleading the *Israelites* robbing of the *Egyptians* to justify his *theft*, or the other's pleading of *Phineas* his killing of *Zimri* and *Cozbi* to justify his *murther*, would not save either of them from the Gallows: so neither will the pleading of what was done by *Jeroboam* and the ten Tribes, (supposing it done by God's special Command or Approbation) justify or excuse any other for doing what they did, unless they could make it appear they have the same Warrant, that they had for the doing of it; which I am sure is not now to be expected, no more than it is to be expected that the Sun should stand still, as it did once at the command of *Joshua*; or go backward, as it did another time at the entreaty of *Hezekiah*. We are to be governed, and to govern our selves by those *Laws* and Rules which God hath given to all mankind in general, and not by such extraordinary dispensations as God hath been pleased to give some men at some times in particular; and much less by any pretended or fancied Enthusiasms or inspirations of our own; so that supposing this revolting of the ten Tribes from *Rehoboam*, and the setting up of *Jeroboam* to have been lawfull, it will not prove it to be lawfull

lawfull for any other Subjects to doe so too upon the same pretence (*viz.* upon the pretence of being never so grievously oppressed) unless they have the same special Warrant of God for it.

But (2dly.) I affirm that what was done by *Jeroboam* and the ten Tribes was an unlawfull and a sinfull action, I mean their revolting from *Reboam* their lawfull Sovereign notwithstanding his Fathers or his own oppression of them, because it was a transgression of an everlasting Statute or Ordinance of God (I mean the *fifth Commandment of the Moral Law*) whereby all mankind is obliged to honour and obey not onely their natural Parents, but all their lawfull Superiours, and especially him that is Supreme, who is *Pater Patriæ*, the Father as well as the Ruler of all his Subjects, and set over them by God to be so. And therefore, as a Father doth not lose or forfeit the authority of a Father, by being not so good, so carefull, and so kind a Father as he ought to be; nor are his Children thereby discharged from paying him that duty and obedience which they owe unto him, no not although they be never so harshly or hardly dealt with, or used by him: so neither do *Kings* or Supreme Governours lose the Authority they have over their Subjects, or cease to be their Kings, because they govern them otherwise than they ought to do; nor are their Subjects upon that account disoblged from their Allegiance and Obedience they owe unto them. For if *Servants*, as *St. Peter saith*, are to obey their Masters, and not onely such as are ἀγαθοὶ καὶ ἐμενείς, good and gentle, but such as are οὐκ ἀγαθοὶ too, such as are froward and perverse, that is, such as are not onely hard to be pleased; but severe in commanding

*The Revolt
sinfull against
the fifth Com-
mandment.*

*The case be-
twixt a King
and his Sub-
jects the same
as betwixt a
father and
his children.*

*Or betwixt a
Master and
his servants.
1 Pet. 2. 18.*

The Bishop of Winton's Vindication

No such special commission for the Revolt as was supposed.

manding and cruel in chastising them also; much more are *Subjects* to obey and to continue in obedience to their *Sovereigns*, though they be never so severely dealt with by them; and therefore the revolting of the ten Tribes from *Rehoboam*, being their lawfull Sovereign, upon the account of their having been oppressed by his Father, and upon his threatening them to be more oppressed by himself, was not lawfull; unless they had had a *special Command* or Commission from God for it; which it doth not appear they had either by any express words of the Text, or by any necessary consequence that can be inferred from it, either in relation to what was done by *Jeroboam*, or what was done by the *ten Tribes*.

C H A P. VIII.

Jeroboam's Case stated, and his pretence enquired into. The Revolt called Rebellion by God himself.

Jeroboam's case stated.

And first as to what was done by *Jeroboam*, though it may seem to be justifiable, as if it had been done by a *special Commission* from God, because God had told him by the Prophet *Ahijah*, that he was to be King over the ten Tribes after they were rent off from the other two Tribes; yet did he not thereby give *Jeroboam* either Commission or permission to rend them off, or to doe any thing towards the rending them off himself. For the

the words which God spake by *Abijah* the Prophet to *Jeroboam* were not, *Thou shalt rend*, but, *I will* 1 Kings 11.
rend the Kingdom out of the hand of Solomon, and I 31.
will give ten Tribes to thee; and not, *Thou shalt*
take ten Tribes unto thy self, by using either force
or fraud, or any other sinister, seditious or unlawfull
means, either for the getting or the keeping of the
Kingdom which God had promised to give him.
But *Jeroboam* did both. For first, whether out of His distrust
a distrust of God's performance of his promise, or and impa-
out of an impatience to stay God's own time for it,
no sooner was *Solomon* dead, but home comes *Je-*
roboam out of *Egypt*, not called by God but by a
discontented party of the People, to whom after
in all probability he had aggravated their grievances,
and thereby incensed them as much as he could a-
gainst the present Government, he offered himself
to be their Head, and as such marched with them,
to expostulate and capitulate with their King, ho-
ping they would receive an unsatisfactory answer,
as they did, and thereupon would presently make
him their King, as they did also: So that he had it
not from God, who onely had power to dispose of
it, (for by him, as he himself tells us, *Kings reign*) but
from the *People*, the People that were then under
an obligation of obedience to a lawfull Sovereign
and consequently had no power to dispose of them-
selves, or to become Subjects to another, no more
than he had a right to become their King, untill
he that promised him he should be so, had made
him so, which he could and infallibly would have
done in his own good time, without any thing done
on *Jeroboam's* part but the relying upon the promise
of God onely; which he distrusting or being too
impa-

impatiently ambitious to stay for the performance of it, took his own seditious and rebellious way for the hastening, as he did afterwards for the keeping of himself to be a King. For as he caused the ten Tribes to revolt from *Rehoboam* in order to the making himself their King, so he caused them to revolt from God also by setting up other Gods, and other Priests, and other places of worship, thereby making a formal Schism in the Church, to prevent a possibility of re-union in the State. So that as he sinned and

How he made
Israel to sin.

made Israel to sin for the getting, so he sinned and made Israel to sin much more for the holding and keeping of the Kingdom, which he might have had and kept much longer than he did, if he had stayed God's leisure for the having, and done nothing to displease God for the holding of it. Whereas if he would have done as *David* did, he should have had the success that *David* had, without sinning himself, or making so many Thousands to sin with him and for him, as he did.

David's case
alike, and his
different be-
haviour.

David was not onely told by the Prophet *Samuel* that he should be King, as *Jeroboam* was by the Prophet *Abijah*; but he was anointed too, which *Jeroboam* was not. And yet when it was twice in his power to have stepped up into the Throne by destroying *Saul* (whom the men of these times would have said, as *Abishai* did, that God had delivered into his hand to be destroyed by him) he would not do it, nor suffer it to be done, but said, God forbid that I should lay my hand on the Lord's anointed; * as the Lord liveth, the Lord shall smite him, or his day shall come to die, or he shall descend into battel and perish; howsoever the Lord forbid that I should stretch forth mine hand against the Lord's

1 Sam. 26.
8, 9, &c.

Lord's anointed. This was *David's* resolution, and this should have been *Jeroboam's* resolution also, to have expected God's performance of his promise in his own time, and in his own way; and not have snatched the Crown out of God's hand, and put it himself upon his own head, before God had anointed his head for it.

Moreover it is observable, that it was not that for which *Ahijah* the Prophet told *Jeroboam*, God was so angry with *Solomon*, that he would rend away ten Tribes of the twelve from his Son (which was *Idolatry*) it was not that (I say) which *Jeroboam* pretended to be the cause of his rising and rebelling, and his stirring up the ten Tribes to rebel against *Rehoboam* ; but it was a more popular pretence and such a one as the generality of the People is usually most concerned in, and concerned for; namely, the publick grievance by *Taxes* and *Tributes*, which how necessary soever for their own defence and safety, do always seem an insupportable burthen to the Subjects. And therefore the ambitious Aspirers of all times have always made use of this *Topick*, first to discontent the People with their present condition, though it be never so tolerable, nay never so good a one, and then to promise them a relief of all their imaginary grievances, if they will be ruled by them; which the foolish People believing first call them their *Patriots*, and afterwards (if they can) make them their *Princes*, who commonly prove the greatest of *Tyrants* ; and then the People that raised them find and feel the fruits of their own folly, and when it is too late to help it, repent of it. And yet such is the incorrigible madness as well as folly of the multitude, that though it

The ground of Jeroboam's pretence.

N.B. His artifice to discontent the people.

hath been never so often entrapp'd, it always hath been, and still is, and ever will be apt to be taken with the same bait, how dear soever it hath cost them formerly.

Abſalom's
rebellion rais-
ed by the same
artifice.

It was not long before this, that *Abſalom* by the counsel of *Achitophel* made use of the same artifice to stir up the people, and to make them to rebell against their King and his Father, by making them
1 believe, *first*, that they were oppressed by *David*,
2 and had not justice done them; and *secondly*, if he were in power every man should have right done him, and no man should have cause to complain amongst them. This they were so foolish as to believe, though their condition then was better than ever it had been before, or ever it was afterwards; for it was *David* a man after God's own heart that was then their King, and who as himself (or rather
Psalm 78:73. God's Spirit by his mouth) tells us, *fed them with a faithfull and true heart, and ruled them prudently with all his power*; and if *prudently*, then *justly* no doubt also: and yet it was his not doing of *justice* that was made the pretence of the rebellion against him; and by whom? by *Abſalom*, one whom the People knew to have been a murdherer of his own brother, and therefore not to be a very likely man to govern them either more justly, or more mercifully than his Father did: so that as the pretence of their rising up against *David* was groundless, so their setting up of *Abſalom* in his stead was folly and madness.

And now one would have thought, the ill success they had in that action would have made them more wary than to be tempted and prevailed with again, so soon at least as afterwards they were, to another

another rebellion against the Grandchild of David, upon another, and that perhaps upon as groundless a pretence as the former; I mean this of *Jeroboam*, which we are now speaking of. For the pretence of *Jeroboam* and the ten *Tribes* rebellion against *Re-*
hoboam was, because he would not ease them of the *heavy yoke* which they pretended *Solomon* his Father had laid upon them: which had it been true to never so great a degree, would have been no just cause of the *Rebellion* of Subjects against their Sovereign, as is already shewn. But I do not find in the History of *Solomon's* Reign, from the beginning to the end of it, as it is very particularly recorded in the first book of *Kings*, and in the second of *Chronicles*, any mention of so *heavy a yoke*, or indeed of any yoke at all that was laid upon any of the Complainants. I mean upon any of the Tribes of *Israel*. I read indeed in the fourth Chapter of the first book of *Kings*, Verses 20, 21. That there was a *great Tribute* or Levy made by *Solomon*, for the building of that glorious Temple of God in *Jerusalem*, which was the wonder of the World, and for other his many and magnificent Structures; and that this *Tribute* and Levy was of the Persons of his Subjects for bond-service, that is to make them to work as slaves or bond-men under Task-masters, and that not for wages, but for meat and drink onely to maintain them in life and health and strength, to endure the hardship and toilsome labour they were put to.

Jeroboam's
pretence in-
quired into.

N.B.

No mention of
a yoke in So-
lomon's
reign.

The great Tri-
bute was a
Levy of men.

But what Subjects of *Solomon's* were these, *And that, not*
 that this heavy Yoke was laid upon? They were, *of the chil-*
 saith the Text, *The People that were left of the A-*
morites, Hittites, Perizzites, Hivites and Jebusites,
which

The Bishop of Winton's Vindication

which were not of the children of Israel. The Children therefore of those aforesaid Nations, whom the Children of Israel were not able utterly to destroy, were those upon whom Solomon Levied the *α* aforesaid Tribute of men for bond-service. But of the children of Israel, (saith the Text, verse 22 of the *β* same Chapter) did Solomon make no bondmen, but they were men of War, his servants and his Princes, and his Captains and his Rulers of his Chariots and of his Horsemen: which certainly were all of them very honourable and very profitable Employments.

And that this was so and no otherwise, we have it again attested, 2 Chron. 8. 7, 8, 9. where the Text repeating the former Narrative, that they were the Children of those Nations onely who were to be, and were not consumed, whom Solomon made bond-men, and made to pay Tribute; that is, he made some of them bondmen and the rest to pay Tribute. But of the children of Israel (saith the Text) did Solomon make no servants for his work, or to work in his building; neither did he for ought I can find make them pay any Tribute at all; nor indeed had he any need to doe so, having all the Nations from Euphrates to the border of Egypt his Tributary Subjects; so that not onely he but all Israel were so rich, that silver in Jerusalem was as stones in the street (saith the Text in one place) nay, it was nothing accounted of in the days of Solomon, saith the Text in another place. So that what this heavy yoke was that the ten Tribes complained of, I cannot imagine, unless they were sick of a surfeit of plenty, or weary of being too well at ease. And that there is such a sickness, such an Epidemical disease, and that the Common People of all times and

People apt to
grow weary
of their hap-
piness.

and places are very apt to be infected with it, we have found by our own experience very lately; — and I pray God we may not find it again very shortly; though never People had less reason to complain than we had then, or have now; or than the *Israelites* had (for ought appears from the History of those times) when *Jeroboam* and the ten Tribes complained of the *heavy yoke* they groaned under, which, had it indeed been as grievous as they said it was, or as *Rehoboam* threatened it should be, yet would not that have been cause enough to warrant or justify them in doing what they did, I mean their renouncing his Sovereignty over them, or their Rebellion against him; their *Rebellion* I say, for so God calls it, who always calls both Things and Persons by their right and proper names. Men may, and often do call evil good and, good evil; but God doth not; or if he do call some things or persons by better names than in rigour and propriety of speech they deserve to be called by; as when he calls those that are his servants *good men*, and the works which they do in obedience to him, *good works*, because for Christ's sake he accounts them to be so, and accepts and rewards them as if they were so, though neither the *Men* nor their *Works* be exactly and entirely *good*, or without any leaven or mixture of bad in them; and consequently God out of his gracious condescension, and to encourage our sincere, though weak endeavours to please him, may and doth call some things and persons by *better* names than they deserve to be called by; yet he never did call any thing or person by a *worse* name than in exact propriety of speech it was worthy

In what sense
some men and
works are
called good.

The Revolt is
called Rebel-
lion.
1 Kings 12.
19.
2 Chron. 10.
19.

worthy of : And therefore that which God called *Rebellion* (as he did this of *Jeroboam's* and the ten Tribes renouncing of *Reboboam's* Sovereignty over them) was *Rebellion* ; and what is *Rebellion* but the resisting or rising up against one whom we ought to obey ? so that God by calling that which *Jeroboam* and the ten Tribes did, a *Rebellion*, doth thereby declare that *Reboboam* (notwithstanding the unwise answer he gave them, and the hard usage his threatening made them believe they were to expect from him) was still their *Sovereign*, and still to continue to be so ; otherwise their renouncing of him and setting up another instead of him would not have been a *Rebellion*, and I am sure if it had not been so, God would never have called it so ; for every *resistance* is not a *Rebellion*, but onely the resistance of one whom we ought to obey. We are commanded *to resist the Devil*, and to renounce the Dominion he usurps over us, because he is an *Usurper*, and is not our lawfull Sovereign ; and therefore, though we are often commanded to *resist* him, yet we are never said in Scripture to *rebell* against him.

N.B.

C H A P. IX.

The Arguments that God foretold it should be, and that the thing is said to be from God, answered. Jeroboam and Jehu compared together.

AS to what may be said out of Scripture to justify what Jeroboam and the ten Tribes did, from being a *Rebellion*, or a sinfull and unlawfull action: as *first*, that it was but the fulfilling of a *Prophecy* or the doing of that which God had foretold he would have to be done; and *secondly*, that when *Rehoboam* had gathered together a very great army, intending by force to reduce the ten Tribes to their former obedience and subjection; God forbid him by the Prophet *Shemaiah* to doe so, saying, *Ye shall not go up nor fight against your brethren the children of Israel; for this thing is from me.*

Two arguments to justify the revolt.

1 Kings 12. 24.
2 Chro. 11. 4.

I answer *first* in general that God in plain and express words having said it was *Rebellion*, nothing that can be gathered out of any other words of the Text can make it to be no rebellion; for the Collection made out of God's word by men may be false, — but God's words themselves must be true.

The Answer in general.

Secondly, and more particularly to the first of the places before quored, to justify that which was done by *Jeroboam*, that it was but the doing of that which God by the Prophet *Abijah* had foretold was to be done, I answer, that God's foretelling a thing to be done, doth not justify or excuse either the doers or the doing of it; if either the thing it self be evil, or if he that doeth it hath no Commission from

God's foretelling a thing to be done is not the cause of doing it.

God

God for it; or doeth it with an ill mind, or by ill means, or to an ill end, a concurrence of all which circumstances there were in this fact of *Feroboam's*, and all of them evil and sinfull, and therefore all of them from his own evil and sinfull disposition, and none of them from God, but by his permission onely; and as the bare permission, so the bare foretelling of a thing to be done is no way the cause of the doing of it; and consequently can neither justify nor excuse the doing of it, if it be evil in itself or done with an ill intention, or any otherwise in all respects than it ought to be done. The foretelling therefore of *Feroboam*, by *Abijah* the Prophet, that he should be King, and reign over the ten Tribes of *Israel*, can no more excuse him for the way he took to make himself King, nor the ten Tribes for assisting him in it, than *Elisha* the Prophet foretelling *Hazael* that he should be King of *Syria*, did justify or excuse him for murdering *Benhadad* his Master, that he might be king in his stead; or than God's foretelling the crucifying of *Christ*, did justify or excuse either the malice of the *Jews* in accusing, or *Pilate's* injustice in condemning of our Saviour.

The like case
of Hazael, &c.

The evil of sin
from God, one-
ly by permis-
sion.

Asto the other place before objected, where God by the Prophet *Shemaiah* saith, *the thing was from him*; I answer, that the thing, namely, the Rebellion of *Feroboam* and the ten Tribes, may be considered as it was *malum culpæ*, An evil of sin, or as it was *malum pænæ*, An evil of punishment; that is, as it was an *evil of sin* in those that were the actors in it; and so it was not from God but *permissive*, or by his permission onely; or as it was an *evil of punishment* justly inflicted upon the house of *David* for the sin of *Solomon*, not the sin which *Feroboam* and the

the ten Tribes did falsely (for ought appears in Scripture to the contrary) lay unto his charge, namely, the oppressing of his Subjects, but for his Idolatry, for his forsaking of his God, which as *Abijah* told *Jeroboam* was the sin that God charged him withall, and for which God did not command or give *Jeroboam* a Commission or leave to rebell against *Rehoboam* the Son of *Solomon*, but onely suffered him to doe so; for God (as *St. James* tells us) as he is ἀπειρασθε τῶν κενῶν, as he is not to be tempted himself with evil, so he doth ἐδίδαξε πειράζειν, tempt no man to evil; but (as it follows in the same place) every one is tempted by his own lust; and so was *Jeroboam*; for it was not his zeal for God, but his own ambition that made him doe what he did to get the Kingdom, as appears by what he did, after he had gotten it, for the keeping of it; for it was the same lust, the same ambition that tempted him first to make *Israel* to sin by joyning with him in rebellion against his and their King, that tempted him afterwards to make *Israel* to sin by joyning with him in Rebellion against his and their God, by setting up the Calves at *Dan* and *Bethel* to be worshipped by them.

Neither was the one of these actions of *Jeroboam* more or less from God than the other; for as they were both of them morally evil or sinfull in themselves, and intentionally and designedly evil in the doers of them, so neither of them were from God; because God is not nor cannot be the authour or accessary of any such evil; but as they were evils of punishment, the former an evil of punishment to the House of *David* for *Solomon's* Idolatry, and the latter an evil of punishment to the house of *Israel*, for

²
The evil of punishment is from God.

the ten Tribes joyning in Rebellion with *Jeroboam* against their lawiull Sovereign; so they were both of them from God, as all evils of punishment are, whether inflicted immediately by God himself as Plagues, Famines, Droughts, Inundations generally are, and as the drowning of the whole World by *Noah's* flood, and the burning of *Sodom* and *Gomorrhah* by fire rain'd down from heaven, particularly were: or whether they be executed by some men upon others, whether justly or unjustly, whether with or against God's command, whether by good men or bad, nay whether they be executed by Men or by Devils, (as those evils inflicted upon *Job* were) they are still from God, either as *punishments* and effects of his vindicative justice to his *Enemies*, or as *chastisements* and effects of his fatherly care and kindness to his *Children*: so that whatsoever the evil be in it self, and how sinfully soever it may be contrived and executed by men, yet it may be most justly made use of by the Divine Wisedome either for the punishment of his *Enemies*, or for the bettering of his servants. And thus, and no other wise than thus, may *Jeroboam's* and the ten Tribes rebellion, or rather the rending off the ten tribes of *Israel* from the house of *David* by that Rebellion, be said to be from God; and God's forbidding *Judah* to fight with
a Israel upon that account doth not argue his approbation of what had been wickedly done by those of
b Israel, but his own resolution to confirm and continue the punishment which he himself had justly inflicted upon those of *Judah*, who no doubt were the followers of *Solomon* in his sin of Idolatry and rebellion against God; as those of *Israel* were in being followers of *Jeroboam* in their rebellion against the house of *David*.

I have

I have insisted the longer upon this particular, because it seems to be the onely *Instance*, that can with any colour of reason be alledged from *Scripture* to justify the rebellion of *Subjects* against their lawfull *Sovereign*: For that which was done by *Jehoiada* against *Athaliah* was done for the lawfull King against a most wicked *Usurper*; and that which was done by *Jehu* against *Jehoram*, was done by a special and particular command of God, such a one as *Abraham* had for the sacrificing of his Son, and as the *Israelites* had for spoiling the *Egyptians*, and as *Elijah* had for killing the Priests of *Baal*, as plainly appears from the second book of *Chronicles* Chap. 22. 7. where it is said, *That the Lord anointed Jehu the son of Nimshi to cut off the house of Ahab*: whereas *Jeroboam* was not anointed at all; and *David* though he was anointed, yet it was not to make him presently and actually King, but onely a designing him to be King after the death of *Saul*, who continued to be the Lord's anointed and *David's* lawfull *Sovereign*, as long as he lived, and was at several times and upon several occasions acknowledged by *David* himself to be so; though *Saul* had forsaken God, and was forsaken of God long before. But *Jehu* when he was anointed was actually made King; for the Prophet who was sent to anoint him, when he poured the Oyl on his head, (saith the Text) said unto him, *Thus saith the Lord* ^{2 Kings 9. 6, 7.} *God of Israel, I have anointed thee King over the People of the Lord, even over Israel, and thou shalt smite the house of Ahab thy master, that I may avenge the blood of my servants the prophets, &c.* And so what *Jehu* did against the house of *Ahab*, he had a special Warrant, and an exprefs and positive com-

The case of
Jehu and Je-
roboam un-
like.

mand from God for the doing of it ; and as he had God's command to doe it, so he had God's approbation of it, and reward for it, after it was done ; for the Lord said unto *Jehu* (saith the Text, 2 *Kings* 11. 30.) " *Because thou hast done well in executing that which is right in mine eyes, and hast done to the house of Ahab according to all that was in mine heart, thy children of the fourth generation shall sit upon the throne of Israel.* But *Jeroboam* had neither God's command to doe what he did before he did it, nor God's approbation for doing what he did after he had done it ; neither were *Solomon* or *Rehoboam* usurpers, as *Athaliah*, and *Ahab*, and *Jehoram* were.

The general rule to be followed, unless there be a special dispensation.

To conclude, as the Examples even of the best mens actions recorded in Scripture do not make what they did to be lawfull, any farther than as they were agreeable to the general rule of all mens actions, the *Moral Law* of God ; or as they had a special, a certain and a positive *Dispensation* from God the Lawgiver himself to doe something upon some occasions other wise than by the general Rule they were obliged to doe ; and *Exceptio in non exceptis firmat regulam*, An exception to a Rule strengthens the Rule in things not excepted : So the doing of that which was justifiably done then, by virtue or warrant of such a Dispensation, is not justifiably to be imitated by any man or number of men now, when no such Warrant, no such Dispensation, from the Lawgiver himself, in so certain, so immediate, and so miraculous a manner as it was then, is to be expected, whatsoever our mad *Enthusiasticks* may pretend to the contrary.

C H A P. X.

A Recapitulation of the two former Arguments from the word of God and Primitive practice, against both Papists and Presbyterians.

BY what hath been said already, partly from plain **P**recepts of **S**cripture commanding all *Christians* to obey, and forbidding them to resist, their lawfull *Sovereigns*, though never so unlimited in the *Constitution*, or never so *Tyrannical* in the exercise of their Government, (for who ever was, or could be more so, in both respects, than **NERO** — was, in whose reign those *Precepts* were given?) and partly from the *Practice* and profession of all *Christians*, agreeable to those *Precepts* in the *Primitive* and purest times; together with the *Answer* to such *Objections*, as have been, or may be made from some few misinterpreted and misapplied examples out of *Scripture* to the contrary: though by what hath been said upon these heads, it hath (I say) been sufficiently proved, that *Kings or Sovereign Princes and Governours* do not lose their Right to govern their *Subjects*, though they be *Unlimited or Tyrants*, and govern otherwise than by God's or their own *Laws* they ought or are obliged to govern; and consequently that their *Subjects* do not upon that account cease to be *Subjects*, so as to be disobedient from obeying even such *Sovereigns*; from obeying them (I say) either *actively* or *passively*, that is, by obeying them in all their lawfull Commands willingly and chearfully, and by suffering for not obeying

To obey actively and passively, what.

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ing them in their *unlawfull* Commands meekly and patiently, and never in any case, or upon any provocation, to *resist, rebell*, or take up either *offensive* or *defensive* Arms against them; there being nothing to warrant the *one* more than the *other* in the word of God or in the practice and judgment of the first and best of Christians; which one would think should be enough to convince all that are Christians now, of the unlawfulness of it.

*Papists and
Presbyterians
agree in
the doctrine
of resisting
Kings.*

And yet of all *Christians*, those that seem to be most opposite to one another in all things else, (I mean the *Papists* and the *Presbyterians*, with other of our *Sectaries*) agree in this one thing, I mean in the lawfulness of *Subjects* taking up Arms against their *Sovereigns*: though the *former*, to wit the *Papists*, like the old *Pharisees*, hold nothing to be lawfull, for which they have not a *Tradition* from their forefathers, and the *latter*, to wit the *Presbyterians* and their *Complices*, like the old *Scribes* hold nothing to be lawfull, for which they have not express *Scripture*. And yet, as both *Scribes* and *Pharisees* agreed in thinking it lawfull to oppose and fight against the *Lord Christ*, so both *Papists*, and *Presbyterians*, and other *Sectaries* agree in holding it to be lawfull to oppose and fight against the *Christs of the Lord*, I mean *Kings*; though as neither of *those* had *then*, so neither of *these* have *now* any Warrant either from *Scripture* or *Tradition*, that is, either from the written Word of God or from the practice of their primitive *Predecessours*, to plead for it.

CHAP. XI.

An Objection from the Law of Nature, and that those Precepts were temporary and the Primitive Christians were too weak to resist, answered. The Church of England's judgment upon the case.

BUT perhaps it may be said (though it cannot be said rationally by any that hold either of the aforesaid Principles) that though there be nothing to be alledged either from *Scripture* or *Tradition*, that is, either from the written word of God or from the practice of the Primitive Christians, to justify the taking up either of *offensive* or *defensive* Arms by Subjects against their *Sovereigns*, yet it may be lawfull by the *Law of Nature*, which is the *unwritten word* of God, or rather word of God *written in mens hearts*. And this *Law of Nature*, say they, is as truly the *Law of God*, as that which is written in *Scripture*; and therefore whatsoever is justifiable by the *Law of Nature*, may be and is lawfull, though there be no express Warrant for it, either from *Scripture*, or from the *practice* of the Best of men in former times; because it being known by all men to be lawfull by the *Law of Nature*, it needed not to be declared to be so by *Scripture*, nor attested to be so by any *Mens Practice* or *Example*. Neither will it follow, say they, that what was lawfully done at *one* time must necessarily be done at *all* times, or that it should not be lawfull for Christians to doe that *now* which it was not *expedient* for the *Primitive Christians* to doe *then*; because being so comparatively *few* and *feeble*,

The objection.

From the Law of Nature.

From their inability to resist.

as

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as they were then, their taking up of Arms against their persecuting and oppressing Princes would rather have increased than lessened their sufferings. And what if it were upon that account, and upon that account only (for so some of these *καὶ ὁδοὺς βλασφημούντες*, *Despisers of Government and Blasphemers of Sovereign Princes*, have dared to argue) that *Christ* and his *Apostles* did give those *Precepts* in Scripture of *not resisting* even the worst of Princes; and consequently that they were to oblige those to whom they were given, no longer than until they were *strong enough to resist*, without fear or danger of being the worse for it.

And that the precepts of not resisting were temporary.

The Answer, That to think so is no less than blasphemy.

Christians, because Christians, to be the best of Subjects.

To this I answer, *first*, that to have such a thought of *Christ* or his *Apostles*, who wrote what they writ, *ὡς πνεύματι καὶ λόγῳ*, *As they were moved or inspired by the holy Ghost*, (and for all ages and times as well as for those wherein they were written) is worse than with *David's fool*, to say in his heart, that *there is no God*. For to *Blaspheme* God is worse than to *deny* him; and how can a Man or the Devil himself *blaspheme* God more than to make men believe, that he who is *Truth* it self is a *Liar*, or at least a deceiver, one that hath sent his *Ambassadors* the *Apostles*, nay his *Son* himself into the World with *Credentials* under his broad Seal, (I mean the doing of *Miracles*) in his name to assure the World and the Princes of the World, that those that were *Christians*, were, because they were *Christians*, to be the *best of Subjects*; such as how ill soever they were used, or how much soever they were oppressed, nay how cruelly soever they were persecuted by their *Princes*, yet were indispensably obliged by their *Religion* never to rebel, or so much

much as to attempt to defend themselves by force against even such Princes; and consequently that the *Princes* and *Potentates* of the world, whatsoever *Religion* themselves were of, needed not to fear, nor consequently ought not in reason to persecute any of their *Christian Subjects*, who were obliged by their *Christianity* it self, because they were *Christians*, to be the *best of Subjects*, and to continue to be so, how numerous or how powerfull soever they might grow to be, or how heavy or hard the yoke might be which they groaned under, which being published and made known to the world to be the will of God, as it was by St. *Peter* his Apostle or Ambassadour to the *Jews*, and by St. *Paul* his Apostle or Ambassadour to the *Gentiles*; for any that comes after them (whether it be a *Bellarmino*, a *Buchanan*, or a *Baxter*,) to endeavour to make it to be believed, that God and his Ambassadors St. *Paul's* and St. *Peter's* meaning was, to oblige *Christians* to be such *Subjects* to such *Sovereigns*, so long, and no longer than they were *too weak to resist* them; but as soon as they were able, that they were then left at liberty, with God's good leave, not onely to *revolt* from them, but to *revenge* the wrongs they had suffered under them; for any men now I say to make it, or endeavour to make it to be believed, that this was *Christ's* or his *Apostles* meaning, what is it, but to make it to be believed that *Christ* was indeed such a one, as the *High Priest* falsely told *Pilate* he was, ὁ πλάττω, *A deceiver*; and that his Apostles were *Legati ad mentiendum missi*, Ambassadors sent on purpose by him to deceive those they were sent to? as perhaps some Ambassadors may be sent from one earthly Prince to another. But to say

The Blasphemy made out.

that *Christ* hath done so, or that he had, or could have any need to doe so, is in a very high degree to **Blaspheeme** *Christ* himself as well as his *Apostles*, and to make whatsoever they taught besides to be suspected of insincerity; and consequently the whole *Christian Religion* to be but a design or contrivance for worldly ends onely, as it is indeed by the *Papists* made to be, and by all such *Protestants* also as make Religion a *Cloak* for any kind of licentiousness in general, and especially for the lawfulness of the *Rebellion* of Subjects against their Sovereigns, as all they do, that would have those *Apostolical Precepts* against *resisting* of Princes by their Subjects to be but **Temporary**, and to be obliging not in point of *Conscience* but in point of *Prudence* and for fear of punishment onely, which is *in terminis*, directly to contradict the *Apostle* or rather the *Holy Ghost* speaking in or by the *Apostle*, who tells us in express terms, that there is ἀνάγκη ἀντιστάσθαι, a necessity for Subjects to be Subjects, and consequently by no means nor upon any provocation ἀντιστάσθαι to resist or rebell against their Sovereigns, and that not διὰ τὴν ὀργὴν μόνον, (saith the Text) for wrath onely, not for fear of punishment onely, but διὰ συνείδησιν, for **Conscience** sake, and especially for *Conscience* or for fear of offending God, more than for fear of offending man; and therefore if at all for fear of punishment, it must be more for fear of that punishment which the Text calls *damnation*, and which God will inflict hereafter upon those that *rebell* against his *Viceroy*s and consequently against himself, than for fear of any punishment that can be inflicted upon them by Men here.

Subjects obliged in Conscience.

I will

I will conclude this Topick with that saying of *Grotius* in the fourth Chapter of his first book *de jure Bel. li & Pacis*, and in the seventh Section of that Chapter viz, *Certe Christianis Veteribus qui recentes ab Apostolorum & Apostolicorum Virorum disciplina eorum Præcepta & intelligebant melius, & perfectius implebant, summam ab iis injuriam fieri puto, qui quo minus ipsi se defenderent in certissimo mortis periculo, vires putant illis non animum defuisse.* "Certainly
 " there cannot (I think) be a greater injury done
 " to the first Christians, who coming newly from
 " the Discipline of the Apostles and Apostolick men,
 " did better understand and more perfectly practise
 " their Precepts, than there is done by them that
 " think the reason why they did not defend them-
 " selves, when they were sure to die if they did not,
 " was not because they would not have done so
 " if they could, but because they wanted strength
 " to doe so.

A notable saying of Grotius.

Which saying of *Grotius* I desire the Reader to take special notice of, the rather, because *Grotius* himself in the very same Section seems to make it lawfull for *Christian Subjects* to resist the *Supreme Magistrate* in several cases; and some of them such, wherein the *Primitive Christians* did not think it lawfull for them to doe so, as *Grotius* himself in his aforesaid saying tells us; and because it is upon the authority of *Grotius*, and what *Grotius* saith to justify the *resisting of Sovereigns* by their *Subjects*, that Mr. *Baxter* doth especially ground his justification of the *Rebellion* against our late Sovereign. Therefore whether those sayings of *Grotius* be true or no in themselves, or whether (if they be true) they be pertinently and rationally applied by Mr. *Baxter*,

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for his and his Parties doing what they did in the late War against the King or no, we shall examine hereafter.

The judgment
of the Church
of England
in the case.

In the mean time to the *Doctrine* of the *Scriptures*, and the *practice* of the *Primitive Christians*, we will subjoyn the *Judgment of our own Church*, the *Church of England*, as of that, which of all Churches now extant in the World, is both for her *Doctrine*, *Government*, and publick form of *Worship*, the most *Apostolical*; whatsoever the *Papists* or any other *Hereticks*, or the *Presbyterians* or any other *Schismaticks* and *Sectaries* do or can say to the contrary.

Where the
Churches
judgment to
be found.

But what the *Judgment* of the *Church of England* is, as to this, or any other particular (whether it be matter of *Faith* or *Manners*, *Doctrine* or *Practice*) it is not to be collected or concluded from the sayings or writings of any one or more particular *Doctors* of the Church, though of never so great eminency for *Learning*, or for *Piety*, or both, but from the
1 Church her self, speaking to us as she doth, first, in
2. 3 her *Articles*, 2dly. in her *Catechism*, 3dly. in her
4 *Homilies*, 4thly. in her *Liturgy* (which is a Conser-
vatory of *Doctrines* as well as a form of publick *Wor-*
5 *ship*) and 5thly. in her *Canons*.

In all these I say the *Church* speaks to us her self (by her representative Body in *Convocation*) declaring what her own *Judgment* is, and what she will have the *Judgment* of all those to be (whom she will admit to be of her *Communion*) as to matter of *doctrine* in the three former, and as to matter of *practice* in the two latter.

Now as to this particular, of which we are now speaking viz. Whether it be lawfull for *Subjects* in any

any case, or upon any provocation, forcibly, or by taking up of Arms, *to resist their Sovereign*: our Church hath clearly and fully declared her judgment negatively in her *Homily against Insurrection*; which *Homily* being recited and approved in the Thirty fifth *Article* of the Book of *Articles* is subscribed unto by all that subscribe unto those *Articles*, as all those do that are legally *Ordained* in our Church; and consequently, as Mr. *Baxter* himself did, if he were *Ordained* by a Bishop, as he saith he was. But perhaps Mr. *Baxter* will say for himself what I remember Mr. *Jacomb* said for Mr. *Calamy*, of whom when I had said at the Conference in the *Savoy*, that he had at his *Ordination* not onely subscribed to what the Church required him to subscribe unto, but added *Non invitus nec coactus, sed lubens libensque subscribo*, (which was more than was required of him) to shew that he did it freely, willingly and heartily. True indeed (said Mr. *Jacomb*) Mr. *Calamy* did so then; but he hath since been heartily sorry for it; and repented of it. And so it seems Mr. *Baxter* hath done also.

Her judgment
subscribed to
by all that are
ordained.

Mr. Calamy's
frank
subscription.

And therefore I do not subjoyn the Doctrine and Practice of *Ours* to the Doctrine and Practice of the *Primitive Church*, as thinking Mr. *Baxter* or any of the *Dissenters* from our Church will be moved at all by it; but to shew that the Doctrine and Judgment of our Church is in this particular (as it is in all other matters of any moment both doctrinal and practical) the same with that of the *Apostles* and *Primitive Christians*, and consequently that they who condemn or despise this doctrine and

Why the judgment of our Church quoted.

and practice of *Ours* do thereby or by so doing condemn and despise the *doctrine* and *practice* not of the *Primitive Christians* onely, but of the *Apostles* and of *Christ* himself also.

C H A P. XII.

Mr. B's meaning in his Aphorism, that Tyrants have no right to govern at all. Tyranny not justified by forbidding resistance. The reproach Mr. B. casts upon the Bishop lights upon Samuel and St. Paul. Mr. B. a favourer of the Novatians.

What Mr. B's meaning, that Tyrants have no right to their governments.

BUT perhaps Mr. Baxter may say that in this Aphorism of his, we are now speaking of, he doth not say, that either *Unlimited Governours* or *Tyrants* have no right at all to their respective Governments, simply and absolutely; but onely that they have no right to their *Unlimited* or *Tyrannical Governments*, and consequently, that his meaning is, that although (notwithstanding their being *Unlimited* and *Tyrannical*) they may have a right to govern, yet they have no right to govern *unlimitedly* or *Tyrannically*.

It is not, that they have no right to govern tyrannically.

But as to the first of these, namely, *That unlimited Governours have no right to their unlimited Governments*; it is absolutely false, as I have more than sufficiently proved already. And although the second, namely, *That no Governour hath a right to be a Tyrant, or to govern tyrannically*, be true; yet that this truth is not the truth, at least not the whole

whole truth of Mr. Baxter's meaning, appears by many of his following *Aphorisms* and Comments upon them, especially by those wherein (as if he were *totius mundi arbiter*, The Ruler of the whole world, or *Rex regum* and *dominus dominantium*, King of kings and Lord of lords, that is, a *Protestant Pope*, or the Catholick moderatour and decider of all controversies) he boldly and Magisterially defines and states the *Cases* wherein *Subjects* may or may not resist their *Sovereigns*. For as of his special grace and favour he gives *Kings*, even limited *Kings*, leave to transgress their bounds to such or such a degree, without forfeiting their right to their *Crowns*, and without being lawfully resisted by their *Subjects* for so doing; so if they pass the limits he assigns them (as if he should say to *Kings*, as the King of Kings saith to the waves of the Sea, *Hitherto*, O ye *Kings*, ye may go and no farther) then (saith he) they depose themselves, and then their *Subjects* ceasing to be *Subjects*, their rising up or making war against them can be no *Rebellion*.

Vid. his Tract of obedience to rulers and how far resistance is unlawful apag. 346. ad pag. 375. of his holy commonwealth.

Vid. ibidem ap. 375. ad p. 456.

Whereby it plainly appears, that when he saith *Tyrants have no right to their unlimited Governments*, his meaning is not that they have no right to govern tyrannically, but that they have no right to govern at all. For that *Kings* have a right to govern tyrannically, or that they doe no injury to their *Subjects*, how much soever they do oppress them, I never heard of any *Christian* or *Heathen*, that was of that opinion but Mr. *Hobbs* onely. But I am as far from Mr. *Hobbs* his opinion, namely, That *Kings* do not injure their *Subjects*, when they govern them otherwise than by God's Laws and their own they ought to govern them, as I am from Mr. *Baxter's*, namely,

Put that they have no right to govern at all.

Mr. Hobbs's opinion and Mr. Baxter's alike exploded by the Bishop.

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namely, *That Kings do forfeit their rights to their Crowns, That Subjects may resist them, or defend themselves by force against them, when they doe so, to any degree whatsoever.*

Lawfull Sovereigns not to be resisted;

According to the first institution of Kings by Samuel.

In all therefore that I have said hitherto for the justifying of my exception against this *Aphorism* of Mr. Baxter's, there is nothing, I am sure, to justify either the *Tyrannical* Government of *unlimited* and *despotical* Sovereigns, or the illegal and *arbitrary* Government of *limited* and *political* Sovereigns; but onely to prove that *lawfull Sovereign Princes*, whether *limited* or *unlimited*, are *not to be resisted* by their Subjects: which is no more than St. Paul asserts, speaking of the worst of Princes; nor no more than what may rationally, nay necessarily, be collected from what Samuel said to the People of *Israel*, when they would needs have a *King*, as other Nations had, and when God bids him tell them the manner of their King, or what manner of *Kings* they must expect to have sometimes, even such as all other Nations had sometimes, *bad* as well as *good*; and that they were to endure the *one* as well as the *other*, as all other Nations did also. For when he had told them, not what all or any Kings *ought* to doe, or lawfully *might* doe, but what some Kings violently and wrongfully *would* doe; and which if any of their Kings should doe (as he foresaw many of them would doe) all that they were to doe to help themselves, was onely to cry unto God to help them; and consequently, that though *Kings* govern never so unjustly, or never so contrary to God's Laws or their own (as some of the Kings of *Judah* as well as those of *Israel* did) yet they must not forcibly be *resisted* by their subjects

jects, but all that *Subjects* in that case can or ought to doe, is to cry unto God : *Preces & lachrymæ*, Prayers and tears, being the onely arms the *Primitive Christians* did use, or thought lawfull for Christians to use against such Princes.

And now let Mr. *Baxter* lay his hand upon his heart, and consider, who it is that in one place he calls a *desier of Deity and Humanity*; and in another place, an *Enemy to God, to Kings and to all mankind*. It is not Bishop *Morley*, at least it is not Bishop *Morley* onely; but *Samuel* the Prophet, and *St. Paul* the Apostle, and *St. Peter* too; or rather the *Holy Ghost* himself that spake by them: so that what was intended by Mr. *Baxter* as a reproach to Bishop *Morley*, is become *Blasphemy* against God himself, whose truth it is; for the maintaining whereof Bishop *Morley* is so heinously reproached. And therefore as *St. Peter* said to *Ananias*, when *Ananias* thought he had lyed to *St. Peter* onely, *Thou hast not lyed unto men, but unto God*; so might I say unto Mr. *Baxter*, that he hath not reproached me, or not me onely, but the *Holy Ghost* himself, in calling that doctrine a *desiance of Deity and Humanity*, and an *Enmity to God, to Kings, and to all mankind*, which was by the inspiration of the *Holy Ghost* taught by *Samuel* the Prophet in the *Old Testament*, and by *St. Paul* and *St. Peter* in the *New*.

Samuel and St. Paul, &c. blasphemed, as desiers of God and man.

But is it possible, will some say, that Mr. *Baxter* being so sober and discreet, and so meek a man (as he is thought to be) should publish in Print so very severe a censure against Bishop *Morley*, or any man else that is called a *Christian*, because and onely because he maintains that and nothing but that

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which was taught by *Christ* and his *Apostles*, and was believed and practised by the next and best of their Disciples?

Mr. B's Jug-
ling.

I answer, that Mr. *Baxter* hath censured Bishop *Morley* as a *desier of Deity and Humanity*, and as an *Enemy to God, to Kings, and to all mankind*, is evident from the places before quoted out of his printed Papers; and that he hath no other but the aforesaid cause for it, is evident likewise from what I have now said to disprove that Calumny: but the way he takes to induce his Readers to believe it, is worth the observation; it being the very same artificial **juggling trick** which I have observed him to make use of more than once before; I mean his putting a false *Proposition* of his own, instead or in the place of a true one of mine, and then inferring from the false one, what he knew could not be inferred from the true one, he chargeth me with what he infers from it.

Some Instances
of it.

Thus by misreporting what was affirmed by us and denied by him at the *Savoy-Conference*, he thence infers that I was *grossly mistaken* in the report I had made of what he said at that Conference.

And thus again, because I had excepted against that *Aphorism* of his as false, which affirms *all unlimited Governours to be Tyrants, and to have no right to their unlimited Governments*, He makes me say, that *all humane Powers are not limited by God*, and then infers that I am a *desier of Deity and Humanity*.

And so here likewise, because I say that *lawfull Sovereigns are not to be resisted* by their Subjects, though they be *Tyrants*, or though they do govern otherwise

otherwise, than by God's or their own Laws they ought to govern, he would make his Readers to believe that I justify *Tyranny* it self, and that Kings may lawfully doe what they list to their Subjects, and take away what they list from them, their Lands, their Houses, their Wives, their Children, and their Lives also; and all this, because I say they are not to be resisted, if they doe so, by their Subjects. And doth not *St. Paul* say so too, when he chargeth the Christians upon pain of damnation not to resist *Nero*? who did all these outrages, and more, and worse also; for he caused them to be impaled with stakes thrust into their bodies up to their throats, and then besmearing them all over with combustible matter, set them on fire to burn like *Flamboe's* to give light to Passengers, as they went along by night in the streets of *Rome*. And dares *Mr. Baxter* say that *St. Paul*, because he forbad his Christian Subjects to resist this monster, did therefore approve all the horrible cruelties and outrageous crimes that he was guilty of, or that he did thereby encourage all or any other Kings to doe as he did? and consequently was an *Enemy to God, to Kings, and to all Mankind*? I think he dares not; and yet if this Inference of his be good against me, it must from the same Premisses be good against *St. Paul* also; for the same Premisses will always infer the same Conclusion: and therefore *St. Paul* is, or Bishop — *Morley* is not, upon this account, what *Mr. Baxter* saith he is, an *Enemy to God, to Kings, and to all Mankind*. But what is *Mr. Baxter* then in the meantime? certainly either not so good a *Logician*, or so good a *Christian* as he would be thought to be.

Nero's cruelties.

Pone Tigellinum, radâ lucebis in illâ,

Quâ stantes ardent qui fixo gutture fumant.
Juven. Satyr.

St. Paul under the same charge of Mr. B. with the Bishop.

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*The primitive
Christians,
fools in Mr.
B's opinion.*

I am sure he is not such a *Christian* as those of the *Primitive* times were, who neither wanted courage nor force to defend themselves against the strongest, as well as the cruellest, of their persecuting Princes; and consequently in Mr. *Baxter's* opinion, were no better than *fools* or *madmen*, to suffer so tamely and so patiently (as they did) not onely the loss of all they had, but death it self, and death with the most exquisite torments, under their *Pagan* persecuting Princes, and under some *Christian* heretical Princes also, rather than they would transgress those Precepts of St. *Paul* by so much as offering to defend themselves against their Sovereigns, whether *Pagans* or *Hereticks*, or against those that were commissioned or impowered by them.

*Mr. B's kind-
ness to the No-
vations,
whence:*

And this doctrine of the unlawfulness for *Subjects* to defend themselves by force against the most cruel of their most persecuting *Princes* was universally believed and practised for diverse hundreds of years after Christ, without any one instance to the contrary, but once onely; and then, that was when an Heretical *Arian* Emperour was resisted by his Heretical *Novatian* Subjects; for whom (I mean the *Novatian* Hereticks) Mr. *Baxter* seems to have a very great kindness; but whether upon this account (I mean, because they were the first / *Christian* Subjects that ever resisted their Sovereign) or because the first founder of them made himself a Bishop (in another man's Diocese) as Mr. *Baxter* and all *Baxterians* would be; or because they were the old *Agapoi* the first *Puritans* or pretenders to extraordinary purity and strictness of life (as Mr. *Baxter* and his followers now do)

do) whether I say it be upon any or all of these accounts I know not: but this I know that Mr. *Baxter* as often as he mentions them, speaks very favourably of them, although they were (as much as the *Orthodox Christians* themselves were) for the Government of the Church by *Bishops*, and by such Bishops as the *Orthodox Bishops* then were and as ours now are, I mean *Bishops* of a different and Superiour Order to *Presbyters*, and exercising *Ecclesiastical Jurisdiction* and authority over them. And therefore there must be some particular and special reason, why Mr. *Baxter* is so kind to them.

In the mean time it is observable, that as *They* were then, so are *They* now, the greatest pretenders to strictness and severity that *then* took and *now* take unto themselves a liberty which God never gave them, nay which God by his *Prophets* and *Christ* by his *Apostles* hath forbidden them to take, I mean the taking up of Arms by *Subjects* against their *Sovereigns*, though but defensive onely.

C H A P. XIII.

Sovereigns highly accountable to God. The doctrine of Non-resistance, to the advantage of Subjects as well as of Kings. Hobbists, Papists and Sektaries, censured. Mr. B's Aphorism justly excepted against, and the Bishop vindicated from being a Deser and an Enemy to God and Man.

The Doctrine of non-resistance, no flattery to Kings, as Mr. B. calls it.

Kings accountable to God and punished by him.

Mr. B's absurd conclusion, set forth by a like instance.

THe contrary doctrine whereunto which we maintain might have been suspected of *flattery to Kings*, (as Mr. Baxter calls it,) if it had not been *St. Paul's* as well as ours; or if, because we teach that *Kings* are not to be resisted by their *Subjects*, it would follow therefore that we taught likewise, that such Kings as govern otherwise than by God's Laws and their own they ought to do, were not accountable to any, or not punishable at all for so doing. Whereas Mr. Baxter knows that we of the *Church of England* believe and teach that *Kings* the greatest of Kings, are as much nay more **accountable** to God, and punishable by God, either here or hereafter, for whatsoever they doe amiss, than the meanest of their *Subjects* are to them or by them; and so much the rather; because they are not punishable but by God onely.

And therefore as it would not onely be absurd but ridiculous, that because a man saith the Deputy Lieutenant or Viceroy of *Ireland* is not to be questioned or punished by any in *Ireland* for what he doth amiss there; therefore he is not to be questioned or punished at all; or that he whose Viceroy he

he is, namely, the King of *England* may not or will not punish him, either there, or when he comes home: so it is equally absurd and ridiculous, to conclude (as Mr. *Baxter* does) that Bishop *Morley*, because he holds that *Kings* are not accountable to or punishable by their *Subjects*, therefore he must needs encourage them to be *Tyrants*, as if they were not, or as if Bishop *Morley* thought and taught they were not, answerable to God and punishable by God for their *Tyranny*, either here or hereafter; and that not onely for their oppression and ill usage of their *Subjects*, but for the dishonour they have done unto God; whose *Viceroy*s and *Representatives* they are; and therefore should be as he is, not onely just and righteous, but mercifull and benign and gracious to all their *Subjects*. Thus we Believe and thus we Teach.

And withall we believe and teach also, That *Subjects* who suffer wrongfully, and yet patiently, under oppressing, Tyrannical and persecuting *Princes*, (as the *Primitive Christians* did, and rejoiced when they did so) shall be sure to be either the sooner delivered from sufferings here, or to be finally so recompensed and rewarded hereafter, that they shall find to their unspeakable and endless comfort and joy, that it was good for them that they were so oppressed and afflicted. Thus I say do we believe, and thus do we teach both *Kings* and *Subjects*; and if both *Kings* and *Subjects* did believe and doe as we teach them, neither would *Subjects* have cause to complain of their *Kings*, nor *Kings* to be jealous or afraid of their *Subjects*.

Subjects advantage from wrongfull sufferings.

More to blame therefore are they (whosoever they are) that teach the contrary either in relation to *Kings* or *Subjects*.

*The Hobbists
censured on
the one hand.*

Such in relation to *Kings* are the *Hobbists* and other the-like Atheistical flatterers of Kings, who would make them believe, they may doe what they list, without doing any injury to their Subjects; and without being answerable to God for it; and that either because there is no God at all, or that there is no other life after this.

*The Papists
and Sectaries
on the other;*

And such in relation to *Subjects* are the *Papists*, the *Presbyterians*, *Independents*, and the rest of the *Sectaries*, who teach it to be lawfull for *Subjects*, when they are grieved and oppressed by their *Sovereigns* to such a degree, or (which is all one) when they think themselves to be so, to take up Arms against them; whereby they shew themselves to be much more such, as Mr. *Baxter* would have Bishop *Morley* believed to be, I mean *Enemies to God, to Kings, and to Subjects*, and consequently to all Mankind than Bishop *Morley* is.

*As Enemies
to God.*

I. For first. are not they *Enemies to God*, who teach men to *rebell against God*? and is it not rebellion against God to rebell against the Viceroy of God? who because he is *God's Viceroy* is accountable for what he doth, well or ill, to none but God. And therefore in this case, (if any) God may most Emphatically say, *ἐμὸν ἐκδύναμις, ἐγὼ ἀνταποδοῶ, Vengeance is mine, I will repay*; it belongs to me and to none but me to call mine own *Viceroy*s to an account, and to punish them when and how I think fit; and therefore for *Subjects* to take the sword in this case, is to take it, or rather to wrest it out of God's hand, as well as the King's; and to use it against

against the King, is to use it against God; and therefore they that take it and use it, if they do not perish by the King's sword, I mean the sword of *War* or of *Justice*, here by bodily death; they shall undoubtedly, except they repent before they go hence, perish by the sword of God, Bodies and Souls too in the life to come.

2. Are they not **Enemies to Kings**, who teach *Enemies to Kings* that Kings may be *resisted* and *deposed* by their Subjects for male-administration of their Governments, whether real, or but imaginary and pretended onely, of which the Subjects themselves are to be the Judges? and consequently the best of Princes as well as the worst are to reign but *precario*, Upon precarious terms, or *durante bene placito*, During the good pleasure of the people.

3. Are not the Teachers of this doctrine **Enemies to all Subjects** as well as to all *Kings*? *first* *An enemies to all subjects.* by making their Kings jealous and afraid of them, / and therefore more inclined or perhaps necessitated to weaken and impoverish and keep them under; (as *Pharaoh* did the *Israelites*) by laying heavy burthens upon them, and oppressing them (more than otherwise they would have reason or perhaps a will to doe) that they may not be able to rise up against them, when such *Demagogues* as our *Schismatical Preachers* are, have a mind to stir them up to doe so: Who, *secondly*, doe what they can to rob 2 Subjects of that inestimable reward, which God hath promised to all such as suffer wrongfully, and yet patiently, or as *St. Peter* phraseth it *ως Χειραυτοι*, as it becomes *Christians*: and not onely so, but *thirdly*, do engage them, instead of suffering *less* 3 wrongfully, to hazard the suffering of *more* right-fully

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fully from their Princes, if they do not prevail in their *Rebellion*, and to a certainty of suffering infinitely much more from God whether they prevail or not, if they die in or after their rebellion without repentance.

*The Bishop's
justification of
his exception
against Mr.
B's Aphorism,*

And now I think I have sufficiently justified the reasonableness of my exception to that *Aphorism* of Mr. Baxter's (which he saith he wonders Bishop Morley did except against) by having proved it to be false in both the particulars that are asserted in it. As first, *That all unlimited Governours are Tyrants*, and (2dly) *That no unlimited Governour or Tyrant hath a right unto his Government*; and consequently that the Subjects of *Unlimited or Tyrannical* Governours are not obliged to obey them, but may *resist* them, at least for defending of themselves against them; both which particulars having proved to be false, I hope I have sufficiently vindicated my self also from that horrible calumny of being a *desier of Deity and Humanity*, and an *Enemy to God, to Kings and to all mankind*, as Mr. Baxter, out of his abundant Zeal and little charity, saith I am, and would make his unwary Readers believe me to be; not from any thing I say my self, but from what he is pleased to say for me; and then (as if I had said it my self) to infer from it the calumny which he before intended (but could not tell how to doe it otherwise) to fix upon me. Of which disingenuous and insincere artifice of his (as I said before) we have seen several Instances already, and shall see more hereafter.

And his Vindication of himself from being a desier &c. and an enemy to God, &c.

C H A P. XIV.

That Scripture, Rom. 13. for the unlawfulness of resisting, asserted. Αντιτάσσει properly rendred to Resist, and implies more than simply Not to obey. Our Translation Vindicated against Mr. B. and others, who censure it and vary from it, as he often doth.

AND yet before we proceed any farther, we are to take notice of and remove a shrewd *Remora* or obstruction out of the way, which Mr. Baxter hath laid, to take away from us the authority of one of the principal places of Scripture, whereon we ground our doctrine of the **Unlawfulness of resisting of Sovereigns by their Subjects** in any case or upon any provocation whatsoever; and that is the 13 Chapter of St. Paul's Epistle to the *Romans*, and in that Chapter especially upon the 2d. Verse, whereof the words in *Greek* are these, *ὁ ἀντιτάσσμενος τῇ ἐξουσίᾳ, τῇ τῷ θεῷ διαταγῇ ἀνδένων, οἱ δὲ ἀνδένοντες ἐξουσίᾳ κείμενα ἀποβναι*, which by our last and by our most authentical *Translation* are rendred in *English* thus; *Whosoever resisteth the power, viz. the Sovereign Power or the ἐξουσία ὑπερῶν the higher power, (as it is called in the verse before) resisteth the Ordinance of God; and they that resist shall receive to themselves damnation.* And it is against our *Translation* of some words, or rather of one of the words in this Verse, that Mr. Baxter makes this objection, not against the word *power*, nor as *Sovereign power* is meant by it;

Rom. 13. for the unlawfulness of resisting rescued.

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(though contrary to St. Paul's meaning and the truth of the *Roman History*, he will have the *Sovereign Power* there meant, not to be in the *Emperour* alone, but in him and the *Roman Senate* also, as he saith it is in the *King* and *Parliament* here in *England* (and one as truly as the other) neither doth he except against the translation of the word *ὑπὸ* by the word *damnation*, though it always doth not signifie so severe a judgment:) but he tells us that the word *ἀντιτάξαι* is not properly translated by the word *resisting*: And why so? because saith he, *There is a Resistance contrary to Subjection, and that is forbidden, and there is a Resistance not contrary to Subjection, and that is not forbidden.* Might he not as well have said, there is an *ἀντιτάξαι*, to resist, contrary to *ὑποτάξαι*, to be subject, and there is *ἀντιτάξαι*, to resist, not contrary to *ὑποτάξαι*, to be subject? And therefore St. Paul did not speak properly, when he opposed the one unto the other; and yet St. Paul tells the *Corinthians* (who were *Grecians*) that he spoke more languages than they all, and no doubt understood the propriety of them as well as they did. Howsoever we are sure that St. Paul understood God's meaning and how to express it so as he would have it to be understood; neither is it to be doubted, but that a commissioned Company of so many learned men, as were employed in the last and most accurate *Translation* of our *English Bible*, did very well understand St. Paul's meaning, as he expressed it in *Greek*; and knew how to render it as properly in *English*, as any one private man ought in modesty to think he can or could have done, especially if he be no greater a *Critick* in

The Senate of Rome had part of the Sovereignty with Nero. H. C. P. 353.

Mr. B's exception against our Translation.

H. C. P. 352.

Our Translation vindicated.

in the *Greek* language than Mr. *Baxter* appears to be by the several Instances a * learned man gives of his many gross mistakes of the meaning of several *Greek* words quoted by him in his *Church History*; which I would not have observed, but that I find Mr. *Baxter* so full and fond of his mendings of the *magnificat*; I mean his frequent and needless finding fault with our Churches *Translation*.

Mr. B. no great Critick in the *Greek*.

* Vid. a vindication of the *Primitive Church* in answer to Mr. B's *Church History*.

And truly I could wish that even such as are more skilfull in the *Original Languages* in which the Scriptures were written, than Mr. *Baxter* seems to be, would forbear in their *popular Sermons*, and in their *English Treatises*, to censure so boldly (as some of them do,) such and such places of *Scripture* as they have or take occasion to speak of, as either not *truly*, or not *properly* translated in our *Bibles*, when there is no necessity for their so doing; and when they may thereby give occasion to their unlearned *Auditours* or *Readers*, to doubt of any other, and perhaps of *all* other places of *Scripture*, as well as of those by them quoted, and censured, viz. Whether they be *truly* or *properly* translated or no: which may bring them at length to question and doubt of the truth of the whole *written word* of God; and whither that may bring them God knows; perhaps to *Quakerism* or some other kind of *Fanaticism*, or perhaps to downright *Atheism*.

A remark in general upon those who censure our *Translation*.

N.B.

And therefore I say I could wish, and if I had authority enough, I would take care, that neither in *Sermons*, (unless in the *Universities* and other like learned *Auditories*) nor in any of our ordinary *English Books of Divinity*, any sense or Exposition should

The danger and vanity of such bold censures.

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should be given of any place, passage or word in the *Scripture*, other than is rendred in the allowed and vulgar *English Translation* which is used in our Churches ; and that not onely (though chiefly) for the reason before specified, but also because (as it is commonly used) it is more for *ostentation* of a man's self, than for *edification* of the People ; nay many times it is made use of also to countenance and abett some *Heretical* or *Schismatical* opinion of a *Party*, or to gratifie some *Novel fancy* or *Notion* of a man's own, contrary to or differing from the received *doctrine* or *usage* of the *Church*.

Some exam-
ples of Mr. B's
thus doing.

And for one or both of these ends, I think I may, without breach of Charity, believe Mr. *Baxter* doth so often find fault with and vary from the allowed *Translation* of the *Text*, and will have another of his own devising preferred before it.

πόλις a city
with him
stands for a
Market town.

For example; the word πόλις, as often as it occurs in the *New Testament*, is rendred in our *Translation* by the word *City*, and most truly and properly, as being derived from the word πολὺς as consisting of *many*, or a multitude of People cohabiting or incorporated together. But Mr. *Baxter* will have it (as he often tells us) to signifie not a *City* but a *Market town*; as if he thought the Noun πόλις to be derived from the Verb πωλέω *vendo*, to *sell*; contrary to all *Etymology* or *Analogy* of *derivation* of one word from another, and contrary to the *use*, and *sense*, and *signification* of the word πόλις in all *Greek Writers* *profane* as well as *Sacred*.

And why then would Mr. *Baxter* have it signifie a *Market town*? it could not be (if he knows any thing at all of *Greek*) out of *ignorance* onely ;
but

but it was because being not able to deny (without contradicting all Antiquity) that every *Bishop* even in that first age of the Church and so downwards was Bishop of a *πόλις* a city, and consequently of as many several *Congregations*, as were in or belonging to that *πόλις* or City, he had no other way to make his own *Nobel fantastical notion* of a *Congregational Episcopacy*, or that no Bishop was or ought to be Bishop of more than one *Congregation*, possibly reconcilable with the *Primitive Notion of Episcopacy*, but by making the word *πόλις* contra *jus normamque loquendi*, Against the right and rule of speech, to signifie not a *City* consisting ordinarily of many *Congregations*, but a *Market town*; which yet if it were true, would not serve his turn neither, because there be *Market towns* even with us here in *England*, that have some of them many, and many of them more than one *Congregation*, and consequently according to Mr. *Baxter's Hypothesis* ought every one of them to have more *Bishops* than one also.

Because he would have no Bishop of more than one congregation.

Another instance of Mr. *Baxter's* disliking our *Translation* is, because it doth not favour, or rather indeed, because it doth condemn his own *opinion* and *practice*, and not his own onely, but the opinion and practice of his whole Party, is that I named before, and am now more particularly to consider, I mean our *Translation* of the word *ἀντιτάξαι* by the word *resisting*; which as he saith is not a proper *Translation* of the word *ἀντιτάξαι*: And why so, good Mr. *Baxter*? why! because He and his Party have *resisted* their *Sovereign*; and therefore some *resistance* of *Sovereigns* by their *Subjects* must be lawfull, and if lawfull, then not forbidden

And as he saith, not properly rendered, he saith, to resist.

forbidden by *St. Paul*, and consequently by *Mr. Baxter's Logick* *ἀντιτάξις* (which it seems he confesseth or implies at least to be forbidden by *St. Paul* to all Subjects in all cases) is not, cannot properly be translated by the word *resisting*, because *resisting* of Sovereigns by their Subjects is *lawfull* (say they) in some cases.

To resist is
more than
not to obey.

Vid. *Holy*
Common-
wealth p. 37.
p. 377.

And indeed it would be so, if *not obeying* were the first and chief *resisting*; or the proper and primary signification of the English word *resisting* were simply *not obeying*, and no more, as *Mr. Baxter* tells us it is. For *not to Obey* their *Sovereign* in some cases is so far from being unlawfull, that it is the duty of all *Subjects* to doe so in all such cases wherein they cannot obey their *Earthly Sovereign* without sinning against their *Heavenly Sovereign*: and yet in those very cases (as I said before) though
α they may and must disobey their earthly Sovereign,
β yet they may not, they must not *resist* him; but meekly and patiently *Submit* to what punishment (though never so unjustly) he shall please to inflict upon them. Whereby it plainly appears that simply *not to obey* is not to *resist*, much less is it to resist in the chief and most proper signification of the word, as *Mr. Baxter* saith it is.

So to resist
God is more
than not to
obey him.

But God forbid it should be so! for then sins of *ignorance* and sins of *infirmity* would be more properly a *resisting* of God than sins of *wilfull obstinacy* and *presumption*; and the best of God's *servants* might more properly be said to *resist* God than the greatest of his *Enemies*; because the best of his servants do not always *obey* him, nay do never obey him in all things, nor in any thing as they ought to obey him, though they be never so carefull and desirous

desirous to doe so. And can such as these properly, nay *most properly* be said to resist God? can they who humble themselves under the mighty hand of God, because they cannot obey him as they would, be said to resist him? God forbid! for God resists them that resist him; and who are they? not the humble but the proud: for to the humble (saith St. Peter) he giveth grace, but he resisteth the proud, ἀντιστάμενος ὁ Θεὸς ὑπερηκόουσιν saith the Text; God sets himself in Battel array (as it were) against the proud to resist them, When they rise up (as it were) to assail and defie and provoke him, as Pharaoh and Julian the Apostate did.

For indeed the word ἀντιστάμενος as well as the word ἀνδιστάμενος, which are both of them used in the same sense in the aforesaid place (viz. Rom. 13.2.) by St. Paul, (and are therefore both of them rendred by the same word in our Translation) are both of them Military terms; and the genuine, primary and proper signification of the one as well as of the other, is to be in a military posture of resisting, that is of defending ones self against one that assails him, and therefore purposely used by St. Paul to teach all Christian Subjects, that though they were never so wrongfully or never so much oppressed or persecuted by their Sovereigns, they should be so far from assailing or making war against them, that they should not so much as defend themselves by a forcible resisting of them, though they were assailed by them; as Mauritius and his Legion were, who being Six thousand six hundred well armed and very valiant men, suffered themselves to be all killed upon the place, without drawing a sword or

*Ἀντιστάμενος
and Ἀνδιστάμενος
to resist
are both Military Terms.*

lifting up a hand in their own defence against any of them that were sent by their *Emperour* to be the Executioners of his most unjust and cruel commands: for it was for no other crime but because they were *Christians*, and would not sacrifice to *Heathen Idols* as the rest of the Army did.

Our Transla-
tours of St.
Paul's judg-
ment, or Mr.
B. is not.

And for the aforesaid reason of St. Paul's did our *Translatours* render both the aforesaid words of St. Paul, by our English word *to resist*, not onely because *to resist* in a military notion is the primary and proper sense and signification both of *ἀντιστασθαι* and *ἀνδισσασθαι* the words in the *Text*, but because *they* were (as our *Church* is) of St. Paul's judgment, namely, *That it is unlawfull for Subjects to take up defensive as well as offensive Arms against their Sovereign*: of which Judgment, because Mr. *Baxter* and those of his party are not, therefore the word *ἀντιστασθαι* must not be properly translated by the word *resisting*.

CHAP. XV.

Subjects resisting their Sovereign irrational, as inconsistent with all Government; wherein of necessity a Supreme Power, and that unquestionable. Monarchy the onely Government of God's making. Some false Assertions and self-contradictions of Mr. Baxter's taken notice of.

BUT to leave this *λογωμαχία*, or bickering about a word, (though I hope it was a Digression not altogether useless and impertinent) by *resisting* we mean a forcible resistance, or taking up of Arms by Subjects against their Sovereign, whether offensive or defensive, upon any pretence whatsoever: which I affirm to be unlawful, not onely because it is *impious* and *irreligious*; but because it is *irrational*, and *impolitick*, and *imprudent* also.

That it is *impious* and *irreligious* hath been proved already; *first*, because it is not onely not allowed but contradicted and forbidden by God's word; and *secondly*, because it was not onely not practised, but disclaimed and declared against, by the *Primitive* and best *Christians*. I am now to prove it to be *irrational*, as well as *impious*, and *impolitick*, and *imprudent*, as well as *irreligious*.

And first, I say, 'tis *irrational* because it is inconsistent with the necessary, natural and essential constitution of all Government, in all National Societies, of any kind whatsoever; and consequently destructive to the very being it self of the body Politick.

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The necessity
of a Supreme
power in all
Bodies Poli-
tick.

For in all *National Societies* (I mean such as are *αὐτοκράτορες* or independent upon any other Societies) there is, and of necessity always must be, some where or other an *ἡγεμονία ἐξουσία*, that is, a **Supreme Power**, or a *Supremacy of Power*, whereunto all other powers in the same Society are Subordinate, as being derived from it, and subservient and accountable to it, and overruled and punishable by it: the *supereminent* and *Supreme Power* it self, and whosoever is intrusted and invested with it, being always, and in all cases,

That Supreme
power, unques-
tionable.

ἀντιπρόσωπον, unquestionable, and consequently unpunishable: because to question, to judge, and to punish, are all of them *Acts of Authority* and *Jurisdiction*; which cannot be exercised but by a superiour on his inferiour; but *Supremo non datur superior*, The Supreme hath no superiour above him, in the same Body Politick; and where the *Supremacy* is, there can be no liableness to coercion.

The reason of
this grounded
upon Nature

Now this *ratiocination* or dictate of *Reason* is grounded upon a dictate of *Nature* it self; namely, that in the *Subordination* of things and persons unto one another, there cannot be *Progressus in infinitum*, A progression to infinity. And therefore that which *Grotius* saith to this purpose is evidently and necessarily true; namely, that *in Imperiis quia non datur progressus in infinitum, omnino aut in aliqua persona, aut Cætu consistendum est, quorum peccata quoniam superiorem se Judicem non habent, ultori Deo sunt relinquenda*: That is, "In Governments,

Grotius his
testimony

"because there cannot be an infinite or endless
"progress, we must of necessity set a stop in
"some one person or company of men, whose
"faults or miscarriages, because they have no

Pope (2)

"Judge

" Judge above them, are to be left to God the Avenger. *O utinam vir ille magnus, &c.* I wish that great man had said so always, and without exception; for any one *Exception*, (of which he hath divers) will make the whole *Rule* it self to be useless and insignificant, as we shall see hereafter.

In the mean time that there is such an *ἐξουσία* *ἐξουσία* or **Sovereign Power** in every *National* independent *Government* or Body Politick, Mr. Baxter doth not deny; and that it may be not onely in one, as in *Monarchy*, but in more than one as in an *Aristocracy* or a *Democracy*, I will not gainsay; though I must needs observe by the way that *Ab initio non fuit sic*, From the beginning it was not so. And that there is but *one* of these three forms or kinds of Government of God's making, and that was **Monarchy**. For as God made the first Man after his own Image, or after the Image or likeness of himself, so he made the first *Government* of mankind here on earth, that of *Nations* I mean as well as that of *Families*, and particularly that of his own People the *Jews*, after the Image or likeness of his own Government in Heaven; which was, and is, and ever will be, *Monarchical*: neither do we find in Scripture any Precept for *obedience* to be given, or for *prayers* to be made for any *Sovereigns*, or Supreme Governours, but for *Kings* onely. The other two sorts of *Government*, (of which the last (*viz.*) *Democracy* is incomparably the worst) are but Mens inventions, and shall have an end, as all other Inventions of men shall have also: but *Monarchy*, as it was from everlasting, so it shall be to everlasting.

But

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Mr. B's just
and loyal opi-
nion of the
Sovereigns
power.
Vid. Holy
Com. p. 72.

But to let this pass; whether it be a *Monarchy*, or an *Aristocracy*, or a *Democracy*, the Sovereign or "Those that have the *Sovereign Power* are" (saith Mr. Baxter) above all the *Humane Laws* "of the *Commonwealth*"; that is (saith he) they "have Power to make *Laws*, and to repeal them, "to correct, add to them, and dispense with them, "and pardon the breach of them to particular per-
sons; and the *Sovereign* (as he is Sovereign) is "not bound to keep them, or to suffer by them. "And the reason of this (saith he) is evident from "the nature of *Sovereignty* (mark that,) because "he that is the *Sovereign* is the highest, and there-
fore hath no higher to obey.

Ege, Mr. Baxter! Well said, so far *Loyal Mr. Baxter!* And farther yet, namely, in the next *Aphorism* to this, *That a Sovereign is not free from the obligation of the Laws of God, nor from the fundamental Contracts of the Commonwealth* (he must mean where there are such fundamental contracts) nor from any of his own publick promises, nor to make *Laws against God's Laws or the common good*: whereunto if he had added, *though he be free from being questioned or quarrelled with for it by his Subjects*; hitherto I could have been content to have gone with him in his *Politicks*; but no farther; for as to what he adds in his next and some other of his following *Aphorisms*; as,

Spoiled by his
following A-
phorisms.

1. *That the same natural Person may be both So-
vereign and Subject, and that as Sovereign he
may pardon others, and as Subject he may be punish-
ed himself.*

2. *That*

2. That Sovereignty is divisible, so that some part of it may be in the King, and some part in others of the same Body Politick: or (as in his own words) A mixt Commonwealth is that in which the other two, or all three forms of a Commonwealth (viz. Monarchy, Aristocracy and Democracy) are so conjunct, that the Supremacy is divided among them, sometimes equally — and sometimes unequally.

H. C. p. 87.
Aph. 79.

3. That it may be called a Monarchy, where one hath not the sole Sovereignty; and that England is such a Monarchy.

H. C. p. 87.
88.

4. That the Existence of the natural Person or Persons of Sovereigns, or of such as have the Sovereignty, is not necessary to the existence of a Commonwealth, but the natural existence of Subjects is necessary. So that there may be Subjects that are Subjects to no-body, and consequently Subjects that are no Subjects, or a Body without a Head which is really no body at all, either in a natural or political capacity.

H. C. p. 74.

These and the like Assertions of Mr. Baxter I take not onely to be *falseities*, but *self-contradictions*: and yet upon some of these *absurd suppositions*, if not upon all of them, he endeavours to justify the late horrid Rebellion or (as he calls it) the late *Assassination* against the King. And upon the same grounds he may, and consequentially *dath* (borne *sao* referens, I tremble at the thought of it) the cutting off his head also. For if he were not a Monarch but in name onely, as Mr. Baxter saith he was not, and therefore had but a part in the Sovereignty as Mr. Baxter saith he had not: And if he that hath but a part of the Sovereignty be a Subject as well as a Sovereign (as Mr. Baxter saith he is) and as a Subject may be punished

Upon these suppositions Mr. B. justifies the late Rebellion;

And by consequence the King's murder.

(as

The Independents as justifiable as the Presbyterians.

(as Mr. Baxter saith he may) why might not the *Democratical Independents* justify what they did to him afterwards, as well as the *Aristocratical Presbyterians* could justify what they did to him before? I mean their *making War* against him, and their *buying, selling and imprisoning* of him, and taking away all that he had from him but his life only: and *that* in all probability they would have done also, if he had not been taken away from them as he was by the *Independents*, who had been their *Servants* untill then, but then began to think of making themselves their *Masters*, by getting the *King's Person* out of their power into their own; but still proceeding upon the same *Presbyterian Principles* from the first to the last; I mean upon the aforesaid *Assertions* of Mr. Baxter, which are all of them *inconsistent* with the very being, or essential *Constitution* of any *Body Politick* whatsoever.

Those Assertions of Mr. B's taken to task.

For first there can be no *Body Politick* without some *to govern* as well as others *to be governed*; and of those that govern, (*ne detur processus ad infinitum*, That we may not run upon an endless errand) one or more that are *Sovereign* or *Supreme*: And therefore the *Existence* of the natural Person or Persons of *Sovereigns*, or him or them that have the *Sovereignty*, is as necessary to the Existence of a *Commonwealth* or any *Body Politick* as the natural existence of *Subjects* is. Otherwise there might be *Subjects* which were Subjects to no-body, and consequently *no Subjects* at all: which is as absurd as to say there may be the Existence of a *Body* without the Existence of the *Head* of that *Body*, which was one of Mr. Baxter's aforesaid *Assertions*.

Again,

Again in all *Bodies Politick*, He or they that have the *Sovereign Power*, are above all the rest of the body whereof they are *Sovereigns*, and therefore cannot be Subject to any or all of them; and if so, then the same *natural Person* cannot be both a *Sovereign* and a *Subject* too, which was another of Mr. *Baxter's* aforesaid Assertions.

Again, if he that is a *Sovereign* cannot be a *Subject* (as it is a contradiction *in adjecto* to say he can be) then he cannot be *questionable* or *punishable* for any thing he does, as Mr. *Baxter* saith he may be.

Again, *Sovereignty* is a thing which is in its own nature *indivisible*, so that in whomsoever it is, it is *Wholly*, and in whomsoever it is not wholly it is not at all; and consequently cannot be *divided* either *equally* or *unequally*, as Mr. *Baxter* likewise saith it may be.

Finally, that it may be called a *Monarchy*, where One hath not the *sole Sovereignty*, is true, (because that which is not a *Monarchy*, may be called a *Monarchy*) but that it may truly be so called is false; as it is false likewise, that the *Kingdom of England* is such a *Monarchy*, as Mr. *Baxter* in the last of his aforesaid Assertions saith it is.

But of the two last of these *Particulars* I shall have occasion to speak more at large, when we come to examine, whether the *Body Politick of England* be such a *mixt Body Politick*, as Mr. *Baxter* saith it is; and whether the *Sovereignty* thereof be not in the *King* alone, but so divided, as he affirms it to be betwixt the *King* and the *Parliament*: upon which *Supposition* onely he justifies,

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or presumes to justify the *late Rebellion* to have been a *just war* against the late King.

Whereby it plainly appears, that even in Mr. Baxter's own opinion, where the *Sovereignty* is not *divided*, but *wholly* in one and the same *person* (as it is not only in all *Despotical*, but in all *Kingdoms* properly so called, whether *Despotical* or *Political*) or wholly in one and the same *Cætus*, or *Assembly*, (whether *Aristocratical* or *Democratical*) it ought not, it cannot be *resisted* without shattering in pieces the very essential constituting parts of the *Commonwealth*, by dividing the members from the head, which is all that I am concerned to prove at present; namely, that *Subjects resisting their Sovereign, is inconsistent with the very being of a Body Politick*, of what *Species* or denomination soever it is.

C H A P. XVI.

Resistance inconsistent with peoples well being, as proving the occasion of Civil War. A case put by Grotius and several Instances proposed by him, which seem to allow Resistance, examined and cleared.

Again, suppose it were not *Inconsistent* with the *Being*, yet if it be inconsistent with the *Well-being* of the *Body Politick* or *Commonwealth*, for *Subjects* to *resist* or *rise up in Arms* against their *Sovereign*, that is enough to prove it to be *unlawfull*; and consequently the endeavouring to make the *People* believe it to be *lawfull*, by *writing* or *preaching* in defence of it, is *dangerous* and *seditions*, and such a thing as ought not to be endured in a well-governed State, of any kind whatsoever.

Now that this doctrine, *That it is lawfull for Subjects in any case to resist or rise up in arms against their Sovereign*, is inconsistent with the *Well-being* of all *Bodies Politick* or *Commonwealths* of what kind or denomination soever, and consequently inconsistent with the welfare or well-being of all *Mankind* here in this World, methinks should need no other *Argument* to make it to be believed, but this one onely; that it undeniably makes all *Humane Societies* to be always and unavoidably liable to the worst of evils, that can befall any State or humane Society, and that is a *Civil War*; which besides the horrible mischiefs it brings with

Resistance inconsistent with the well-being of Bodies Politick.

As being an occasion of Civil War, the worst of evils.

it; it commonly ends in a more insupportable *Tyranny* and bondage of the whole body of the People, than what was pretended to have been the cause of it. For proof whereof I might appeal not onely to the Testimony of all *Histories* of all *Ages* and of all *Nations* as well as of our own, but to the *personal Experience* of many thousands yet living, who have all of them seen, and many of them felt, what I have said of a *Civil War* to be true; namely, that it is the *greatest* of Evils a State is subject unto, and consequently ought not to be engaged in for the preventing, avoiding, or remedying of any that are *less*.

No small matter in Mr. B's opinion, that will excuse resisting.

Nor are they (will Mr. Baxter say) the *Peccadillo's* of the Prince, or the petite *Grievances* of *Subjects* by their Sovereigns, that can excuse their *resisting* or rising up in Arms against them: but they must be such as are of *Publick Concernment*; and such as against which by the *Laws of Nature* for *Self-preservation*, men are not onely permitted, but obliged to defend themselves.

Grotius puts a case, but contradicts himself and the Primitive Christians in his answer to it.

De jure belli & pacis, lib. 2, c. 4 p. 104.

I know that *Grotius* (who is often, but not always pertinently cited by Mr. Baxter) in his answer to this question, *An Lex de non resistendo nos obligat in gravissimo & certissimo discrimine*, that is, Whether the Law of non-resistance doth oblige us in a most grievous and most certain hazard, seems to grant, that in such a case it may be *lawfull for Subjects to resist their Sovereigns*. But then it is observable (*first*) that it is a *contradiction* to his own general Rule *viz. Summum imperium tenentibus resisti jure non posse*, That those who have the Supreme Power cannot lawfully or by right be resisted. *Secondly*, it is a *Contradiction* to the judgment

ment and practice of the *Primitive Christians*, and consequently to the doctrine of the *Apostles*, and of *Christ* himself. For as *Grotius* himself tells us in one place, *Consuetudo veterum Christianorum est optima legis Christianæ interpres*, that is, The custom of the old Christians is the best Interpreter of the Christian Law, in the general; so in this very particular he tells us in another place, namely, in that before by me cited and which I desired to be observed; *Nempe Christianis veteribus qui recentes ab Apostolorum & Apostolicorum virorum disciplinâ, eorum præscripta & intelligebant melius & perfectius implebant, summam fieri injuriam puto ab iis, qui, quo minus ipsi se defenderent in certissimo mortis periculo, vires putant illis non animum defuisse.* In which saying of his taking it for granted, that the *Primitive Christians*, which did best understand the *Apostolical Precepts*, and did most perfectly conform their practice thereunto, would not nor did not defend themselves, no not in *certissimo mortis periculo*, when they were sure to be killed if they did not: and that not because they wanted either strength or courage, but because they thought as they were taught that it was not lawfull for them to doe so. And there cannot (saith *Grotius* in that place) a greater injury be done to those *Primitive Christians*, than to think otherwise of them, that is, than to think that it was not for Conscience sake, but for want of strength that they forbore to defend themselves in *certissimo mortis periculo*, In the most certain peril of death; which is I think all one with in *gravissimo & certissimo discrimine*, In the most grievous and most certain hazard; so that if it be lawfull for *Christians* to doe that

A passage of his before cited, concerning the Primitive Christians, compared with this.

now.

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now *ingravissimo & certissimo discrimine*, In the most grievous and certain hazard, which the *Primitive Christians*, who best understood (saith *Grotius*) the Apostolical doctrine, thought it not lawfull for them to doe then *in certissimo mortis periculo*, In the most certain peril of death, that is, in the very same case; it must be by virtue of some other Gospel, or of some *special dispensation*, that we have, and they had not; or that those Apostolical Precepts *de non resistendo Supremam potestatem habentibus*, Of not resisting those who have the Supreme Power, were to be no longer in force, than untill the *Christian Subjects* should have power enough to resist their *Sovereigns*, or at least to defend themselves against them. Which opinion, how derogatory it is to the simplicity, sincerity and veracity of the Gospel, and consequently how unworthy to be owned by any that owns himself to be a *Christian*, I think I have sufficiently proved already: nor can I suspect a man of so great Learning and Ingenuity, as *Grotius* was, ever to have been of this opinion, though I cannot see how he can be defended from leaning towards it, when he affirms, or seems at least to affirm, that may be done now by *Christian Subjects*, which was never done, nor never thought lawfull to be done in the very same case by the *Primitive Christians*, though they had strength enough to doe it, and though (saith he) they best understood the Apostolical Precepts, and did most punctually comply with the meaning of them.

He himself in
effect disal-
lows his own
Answer.

And therefore lastly, it is observable, (and I am willing to observe it for that Great man's sake) that such a *resistance* of Sovereigns by their Subjects,

jects, even in such a case, *in gravissimo & certissimo discrimine*, In the most grievous and most certain hazard, is not to be allowed (saith *Grotius*) *Nisi cum hoc fortè additamento, si fieri possit absque maxima Reipublicæ perturbatione aut exitio plurimorum innocentium*, Unless it can be done without a very great perturbation or disturbance of the Commonwealth, and without the destruction of very many innocent Persons: which in effect is all one, as if he had said, it is never to be done at all. For how there can be a forcible *resistance* of Sovereigns by their Subjects, or how Subjects can rise up in Arms, and make use of them either offensively or defensively against their Sovereigns, *Absque maxima Reipublicæ perturbatione & exitio plurimorum innocentium*; Without a very great perturbation of the Commonwealth, or without the destruction of very many innocent persons, I cannot understand: except we can imagine the *Sovereign* will have no Subjects to fight for him, (which *Christ* supposeth all Kings of this world have) or that there will be fighting without killing; or that none or very few of thote, that are *innocent* of either party, will be kill'd; which in a *Civil War* (which of all other Wars is commonly the most bloody and most cruel) is not to be imagined. And consequently if *Kings* are not to be *resisted* by their *Subjects*, but in such a *case* as this, they are never to be resisted at all; because there can never be such a *Case*: so that *Grotius* his main Axiome, *Summam potestatem tenentibus resisti jure non posse*, That those who have the *Supreme Power* cannot lawfully be resisted, is still safe and without exception.

De jure Belli
ac pacis p.
112.

Neither

Some instances of his, wherein Resistance may seem lawful, examined.

Neither is the truth of it impeached by any of those several **Instances**, which he (I mean *Grotius*) subjoyns, and which seem (saith he) to be **Exceptions** to this *Rule*, but indeed are not.

1. For as to the *first* of those *Instances*, it speaks of such *Kings*, as were never Kings at all but *in name* onely, as the Kings of *Lacedæmon* were.
2. The *second* speaks of those that had been *Kings*, but ceased to be so by their own voluntary *resignations*, as *Diocletian* did, and some of our *Saxon* Kings did also, and retir'd into *Monasteries*.
3. The *third* speaks of such *Kings* as would *alienate* their Kingdoms unto *Strangers*, whom the *Subjects* may refuse to obey without *resisting* their own *Sovereigns*, and are bound to doe so, not onely in regard of the *natural Allegiance* all *Subjects* owe to their *natural Sovereign* and to him onely as long as he lives, or as long as he continues to be their *Sovereign*; but in regard that after his death or after he voluntarily ceaseth to be their King, they owe the same *Allegiance* to his *legal Successour* in all *Hereditary* Kingdoms: And therefore (saith *Grotius*) the act or attempt of such an *Alienation* is *null* in it self and consequently is not at all *obligatory* to the *Subject*.
4. The *fourth* speaks of such *Kings* as *Verè hostili animo in totius Populi exitium feruntur*, that is, Such Kings as would if they could destroy all their *Subjects*, and endeavour to doe so; *Sed vix videtur* (saith *Grotius*) *id accidere posse in Rege mentis compote*, But this (saith he) is hard to be imagined of any King that is *mentis compos*, that is in his wits, or that is not stark mad: and if he be
stark

stark mad, or not *mentis compos*, not in his right mind, then his *case* is the same with that of Kings that are *Minors* or *Infants*, and his *Kingly Power* is to be administred in his name by such, as by the Laws or Customes of his Kingdom, are to have the custody or care of him, while he continues in that condition, who are no more to be *resisted* by the Subject, than the King himself was before he was in that condition.

5. The *fifth* instance is of such *Kings*, as *In ipsa delatione imperii*, In the very making of them Kings are made Kings upon this express *condition*, That if they do this or that, so or so, *Subditi omni obedientiae vinculo solvuntur*, The Subjects are discharged from all obligation of obedience to them: for then (saith *Grotius*) he that was *King* became a *private person* again. But I say, such a one was never a *King* at all, *properly so called*: because in the very Act, whereby he was made or rather called a *King*, he was indeed made a *Subject* to them (whomsoever they were) that had power to question whether he had done this or no, and to un-king him if he had, nay if he had not, if they should think he had, or say he had though they thought or knew he had not.

6. The *sixth* Instance is, when the *King* hath but a part of the *Supreme Power*; and the *Senate* and the *People* have another part of it. But then say I (as I said before) the *King* is no *King* properly so called. I mean is no *Sovereign*, but a piece of *Sovereign* (if there can be such a thing,) and it is the *Sovereign*, He or They, that have the *Sovereignty* or the *whole Sovereign power*, that I say are in no case to be resisted by their *Subjects*.

7 The *seventh* and last is the same in sense with the *fifth*, though it differ in words or in the manner of expression, both of them speaking of one as *King* who is indeed *no King*, that is, *no Sovereign*, as no man or number of men in any Society of men can be said to be, that have others in the same Society *equal* with them, and much less *superiour* to them, as they must be to whom they are obnoxious and *accountable* for their ill managery of their Government, and who have authority to *deprive* them of it, and *depose* them from it.

These Instances of him are of Kings and not Kings.

The third Instance.

And of none but such *Kings* as these, that is, such as are not *Kings indeed* but *in name* onely, are all the aforesaid *Instances* (wherein *Grotius* seems to grant it to be lawfull for *Subjects* to resist their *Kings*) to be understood, but two onely, and those are the *third* and the *fourth*, in the former of which there is nothing either said or meant of the *Subjects* *resisting* of their *Sovereign*, but onely of their *not obeying* him, if he would have them become *Subjects* to a stranger; which they cannot doe, if they would, without becoming injurious not onely to him, but also to his *Successours* (as I said before.) And there is a great difference betwixt *resisting* and *not obeying* of *Sovereigns* by their *Subjects*, though *Mr. Baxter* will needs have *not obeying* to be *resisting* in its primary and most proper signification.

The fourth Instance.

As to the other of these two *Instances*, which may be meant of *Kings properly so called* (I mean such *Kings* as are indeed *Sovereigns*) namely the *fourth*, wherein upon supposition there were such a *King* as would doe and did what he could to ruine his own *Kingdom*, and to destroy all his
own

own Subjects ; *Grotius* grants indeed, that in such a case *Rex abdicat Regnum*, or the King renounces his Kingdom, or doth *ipso facto* declare he will be no longer their King, because *voluntas imperandi & voluntas perdendi non possunt simul consistere*, "Be-
" cause a Will to reign and a Will to have none to
" reign over are inconsistent with one another.
But withall he tells us, it is *hardly credible*, (he might have said *utterly incredible*) there should be such a King unless he were mad, and if he be mad, there be other ways (as I said before) to hinder him from doing himself or his People so horrible a mischief without their taking up of Arms or rebelling against him.

So that I do not see how it can be rationally concluded out of any of the aforesaid *Instances*, that it is lawfull to *resist* him or them that have the *Sovereign Power*. Neither indeed doth *Grotius* propose them to infer any such conclusion, but rather to establish the contrary, as appears plainly by the words immediately preceding, which are these ; *Diximus summum Imperium tenentibus resisti jure non posse; nunc quædam sunt, quæ Lectorem monere debemus nè putet in hanc legem delinquere eos, qui reverà non delinquant*, that is, "We
" have said (saith he) that is, we have positively
" affirmed or concluded that those that have the
" Supreme Power may not lawfully be resisted;
" but now we are to give the Reader a *Caveat*,
" that he may not think those to be transgressours
" of this Law who indeed are not, or that to be a
" transgression of this Law which indeed is not.
And then he proposeth all the aforesaid *Instances*, as seeming to be, but not being indeed inconsistent

Those Instances but seeming Exceptions.

*The Law of
non-resisting,
the foundation
and preser-
vative of hu-
mane society.*

with the *Law* (as he calls it) of *not resisting the Supreme Power*, wheresoever it is placed, or whosoever they be that are invested with it; that *Law of not resisting the Supreme Power* being the very foundation upon which all *Humane Societies* of all kinds are built and superstructed, and the *Palladium*, The pledge of security, whereby they are preserved in their several forms or constitutions, so that from or against this *Law* there lies no *exception* nor any *dispensation* with it, by any *humane Authority* upon any pretence either of *Civil* or *Religious* Interest, or upon any either *pretended* or *real* Grievance of the Subject by their Sovereign, in any kind or degree whatsoever.

C H A P.

C H A P. XVII.

Several other Reasons, to prove the Unlawfulness of resisting, in any Case whatsoever. The Holy League in France and our late Rebellion brought in by way of Parallel.

And the Reasons for this, besides what hath been already produced out of *Scripture*, are;

First, Because the object of *humane Prudence* in the constitution of *humane Societies*, and Kingdoms or Commonwealths, is not to prevent all such Grievances as possibly may be; no nor all such as (considering the pravity and perverseness of *humane nature*) ordinarily will be, and of necessity must be, even in the best constituted and best managed State or humane Society whatsoever. For as *St. Paul* saith, *Oportet esse Hæreses*, There must be *Hæreses* in the Church; not, as if it were not better there were none, but because as long as men are men, that is, such cross-grain'd creatures, and of such different *Morals* and *Intellectuals* from one another as they are, there cannot chuse but be some *Hæreses* in the Church; so, and for the very same reason, *oportet esse gravamina*, there must be, that is, there cannot chuse but be *Grievances* in the *Civil State* or Commonwealth also. And therefore the object of *humane prudence* (seeing it cannot prevent or provide against all evils that may or will be in all *States*) it is as much as may be to prevent or provide against those that are the *greatest* rather than the lesser, and those that are likely to happen *often*, rather than those that are

Other reasons for non-resistance.

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are not likely to happen at all, or very seldome; and those that are inconsistent with the *being*, rather than those that are inconsistent with the *well-being* onely of a *State* or *Body Politick*. For as in the *body natural*, so in the *body Politick*, no remedy is to be prescribed or applyed that is worse than the *disease*. And therefore,

Secondly, Any *gravamina*, nay all the *gravamina* or grievances, that *Subjects* can suffer under their *Sovereign*, are to be endured, rather than they are to *rebell* or to rise up in Arms against him; because that will be the cause of *more* and *greater* evils, than any of these are, or can be, against which it can be made use of for a remedy: For no *Tyranny* can be so bad as *Anarchy*, and any Government, how *Tyrannical* soever, is better than *none*. And therefore it was the saying of one of the wisest Statesmen that ever was in the World, *Iniquissimam pacem justissimo bello antefero*, I prefer, said he, the most injurious *Peace*, that is such a peace wherein men are obnoxious to the greatest injuries, before the most just *War*; he means the most just *Civil War*, or such a *Civil War*, as may seem to have the justest or most justifiable causes for it: because indeed any *Civil War*, upon what grounds or pretences soever it be undertaken, puts the whole body of the *Commonwealth* into a much worse condition than it can be under any Government or any Governours whatsoever. For whilst there is a Government, though never so unjust or injurious, there is some authority and execution of *Laws* for the protection of the innocent, if not of the *Subjects* against the *Sovereign*, yet of the *Subjects* against one another; but *Silent leges inter arma*, When rebellion is up there is no safety

safety for any man against any man, not for Fathers against their Children, nor for Brethren against Brethren, *Non hospes ab hospite tutus*, One friend is not safe from another. To conclude, *Rebellion* is the ingagement of the whole body of the *Commonwealth* against it self, and will if it be not suppressed, make it at length *Felo de se*, A murder of it self, and to end either in the *desolation* or *dissolution* of it self. So that whereas all other evils are but prejudicial to the *well-being*, This, I mean *Rebellion* or a rebellious *Civil War*, is always in its *tendency*, though not always perhaps in the *event*, destructive to the very *Being* of all States and Humane Societies whatsoever; and consequently to the peace and welfare of *Subjects* as well as *Sovereigns*, that is, to all and every one of mankind. And therefore *this* being the *greatest* of all Evils, it is never to be made use of to prevent or redress any that are *less*, and consequently never to be made use of at all; because all other evils incident to a *Body Politick* are *less* than this, and that not onely taken *singly* but *jointly* also.

And yet *Thirdly*, there is one Reason more, why in humane prudence and according to the dictates of right reason, the *Rebellion* of Subjects against their Sovereign ought not to be allowed; no, not though possibly it might so happen that (humanely speaking) there could be no other way or means to preserve the very *Being* of the *Body Politick*: as for example, in one of the afore said *Instances* or Cases which is put by *Grotius* (but put by him as hardly credible) supposing there should be such a *King* as would profess so implacable a hatred to his *Subjects*, that he would if he could destroy them all; and that he will

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will endeavour to doe so: The question is *whether*, because possibly there may be such a Case, there ought not to be some *exception* from the aforesaid general *Rule* of the unlawfulness of *Subjects* taking up of Arms to *resist* their *Sovereign* in any case whatsoever; I answer No; and that not onely because *St. Paul* in his prohibition to *resist the Supreme Power* hath made no such exception, though one of the Supreme Powers, whom he forbid the Christians to resist, did wish the whole body of the *Roman* people had but one head, that he might cut it off at one blow; and another of them had set the capital City of his Empire on fire, commanding his Souldiers to kill all the Citizens that endeavoured to quench the burning of their Houses; he himself in the mean while playing upon an Instrument all the time it was a burning: Neither will I insist upon the Judgment and Practice of the *Primitive Christians*, who though they knew their Sovereigns the *Heathen Emperours* had professed they would, and really did what they could to destroy all their *Christian Subjects*; yet the Christians did not think that either this profession or practice of their Sovereigns (which was an evident and undeniable demonstration of their implacable hatred against them) was sufficient to dispense with them for *resisting* of or for defending themselves against them: as was notably exemplified by what was done and suffered by *Mauritius* and his Legion according to that Heroical story before recited. But I will not insist, I say, upon any Argument drawn from any religious *Topick*, to justify my denial of any exception to be made to the general Rule of *non-resisting* of Sovereigns by their Subjects, or for dispensing with Subjects

jects to resist their Sovereigns in any case whatsoever, though possibly there may be such a Case (as *Barclay*, and *Grotius* out of *Barclay*, puts) even among Christians. But that which I insist on at present is this, that abstracting from the consideration of what *God* hath either *commanded* or *forbidden* in his *Word*, as likewise from the consideration of *Heaven* or *Hell*, or of any other life after this, where men are to be rewarded or punished for what they have done here; it is not only *prudent* and *convenient*, but absolutely *necessary* to the peace and welfare, and safety, and happiness of all mankind here in this world, that men should be taught and believe, that the *resisting* of Sovereigns by their Subjects is always and utterly *unlawfull* in any case whatsoever; yea though possibly such might be the Case, as that they would all be destroyed, if they did not resist: and that for these reasons.

*Resistance
unlawfull e-
ven in Groti-
us his Case.*

First, Because it is not only very *improbable*, but as *Grotius* himself saith scarcely *credible*, there should ever be any such Case.

Secondly, Because (according to a *Maxime* of our own Law) *A mischief is better than an inconvenience*; that is, (as I conceive) it is better for a *State* to run the hazard of a greater future evil, which may either not happen at all, or (if at all) very rarely, than for the avoiding of it to admit or submit to a *lesser*, whereunto it may always and *must* very often be obnoxious.

Thirdly, Because, if it be allowed to be lawfull for Subjects to *resist* their Sovereign in such a Case as *Grotius* puts, or in any other case whatsoever; it will be always and altogether as dangerous both to *Prince* and *People*, as if it were granted in never so

many other cases also; because *that one* may always be pretended to be the present case, and the People may be always made to believe it is so, though it be never so improbable to be so.

As may appear by divers Examples besides those I have already quoted out of Scripture, especially that of *David*, who though he was the best of Kings that Nation ever had, yet his Son *Abſalom* made the People believe that he neglected to doe them justice in hearing their complaints, and redressing their grievances, and thereby *stole away their hearts* from his Father, (saith the *Text*) and made them to rebell against him.

But to instance in one *Example* or two more, nearer home and nearer our own times.

An Instance,
from the Ho-
ly League in
France.

It is not long since the Princes of the House of *Lorraine*, I mean the *Guises*, being excluded by *Henry* the Third of *France* from the chief managery of affairs, which they formerly had in that Kingdom, resolved to gain that by force, which they could not keep by the King's favour; and to that end, to stir up the People under some publick and plausible pretence to joyn with them in a rebellion against the King. But what that *pretence* should be, which the People should be baited withall, being debated by the chief of the Faction, and some being of one mind and some of another, *Henry* Duke of *Guise*, being head of the whole party, stood up and said; *What need* is there of any debate or consultation as to this particular? can there be a better, or more plausible, or more efficacious Motive to stir up the People to joyn with us against the King; than to make them believe the *Catholick Religion* is in danger, and that the King is not onely a favourer of the *Hu-*

The Catholick
Religion, the
pretence
there.

gonotts

gonotts but a *Hugonott* himself in his heart, and therefore that it is absolutely necessary for all good *Catholicks* to joyn in an *Association* or *Holy League* for the defence of the *Catholick Faith*, and to oppose the bringing in of *Hugonott Heresie* against all persons of all conditions whatsoever, and consequently the King himself? It was easily agreed to by all the rest of the *Conspirators*, that this was a very *plausible* pretence indeed, but withall so *incredible* as to the King's particular, as that it would not be very difficult onely, but impossible to make the People believe it, and consequently to make them rise up against the King upon that account; it being generally known and believed that that King was as *Bigott* or zealous a *Roman Catholick* as any was in *France*; having been himself not a *Spectatour* onely but an *Actour* also in the *Massacre* of the *Hugonotts* at *Paris* not long before; and was still such a *Devote*, that he was never almost seen in publick but betwixt two *Capuchins*, with a *Crucifix* in his hand and his Beads at his girdle. Whereunto the Duke of *Guise* replied laughing, *Let me alone* (said he) with the managing of that part of the affair. I will undertake within one month by those I will set on work (meaning the *Jesuits*, the *Friars* and other *Popular Preachers*) to make the King to be believed over all *France* to be as arrant a *Hugonott* as any in *Geneva*. And so he did; whereupon that *Rebellious Association* (which by its Godfather the *Pope* was called the *Holy League*) was made against the King, and as bloody a War as ever was in *France* was raised and maintained by it; neither did it end with the death of the King (who was murdered by a *Jacobin Friar*) but continued against his *Successeur* upon the same

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pretence and with the same intentions: the deluded People in the mean time being made to believe by their *Ghostly Fathers*, that it was *God's Cause* they fought for, and that those that died or were killed in it, were sure to go immediately and directly to *Heaven*, without dropping into *Purgatory* by the way.

The like Instance from our late Rebellion in England.

Another Example of the same kind we had here of late amongst *Our selves*; that is of the *Peoples* being stirred up by their *Preachers* to joyn with a factious, ambitious and discontented Party of the *Nobility, Gentry and Commons* in a *Rebellion* against our late *Sovereign Lord of ever blessed memory*, upon as false and groundless a pretence, as that was against the King of *France*. For, as there the People were made to believe by their *Popish Preachers*, that their Religion was in danger, and that their King was an *Hugonott* or *Presbyterian*, though as I said before he indeed was (as he professed himself to be) a very zealous and rigid *Papist*, and had given more than
 1 proof enough that he was so: Even so our People here were by their *Presbyterian* and other their *Schismatical Preachers* made to believe, that the *Protestant Religion* here was in very great danger, and that *Popery* was very likely to be brought in, because the King was a *Papist* or *Popishly affected* at least; whereas it was evident to all the world both by his Profession and his Practice, that he was as truly a zealous and devout *Protestant* as any the best of his *Protestant Subjects*, and moreover as resolute a defender of the *Protestant Faith* as it is settled and established by Law in the *Church of England* against both *Papists* and *Schismatics*, as any King could or ought to be: I might add, as knowingly so too as ever any King

The Protestant Religion the pretence here.

King was, but his Father onely. And yet thousands of his Subjects were made to believe that he was a *Papist* in his heart, and upon that account were perswaded and engaged to fight against him; nay many of them were made to believe, that the *Protestant Religion* it self, as it was established by Law, was but disguised *Popery*, and that the *Common Prayer Book* was but the *Popish Missal* or Mass Book translated into English, and that the *Bishops* with all the *Episcopal Clergy* were an *Antichristian Hierarchy*, and were or would be all of them Vassals to the *Pope*, as soon as they had an opportunity safely to profess themselves to be so. Now if the People could be made to believe (as we see they were) that *such a King* as He was, and *such a Church* as Ours is, were *Popish* or *Popishly affected*, against all Evidence both of reason and of sense to the contrary; what is there that they cannot be made to believe? and consequently what security can there be for *Kings* from their *Subjects*, either for their Power or their Persons? or for *Subjects* from their fellow *Subjects*, or for preserving of the publick *Peace* for a moment onely? If there be any one, I say *any one* case of any kind in any degree, wherein *Subjects* may be allowed without scruple of Conscience to *take up Arms* against their *Sovereign*; that *one* (as I said before) shall always be pretended and believed to be the *Case*, as often as the contrivers and trumpeters of *Sedition* and *Rebellion* will have it to be so, though there be no ground or reason at all for it, as it is evident there was not in either of the aforesaid *Instances* or *Examples*.

I know there were other *pretences* besides that of *Religion*, to justify the *Rebellion* against the late King.

Other pretences made use of for the late Rebellion.

as

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as his breach of *Trust*, his violation of *Laws*, his bringing or endeavouring to bring in *Arbitrary Government*, and (as Mr. Baxter would have it to be believed, though *Grotius* thinks it incredible that any King in his wits should do so) his professing himself an *Enemy* to the whole body of the *People* by making *War* against them all, (as if he meant to be a King without Subjects) and finally whatsoever was thought to be most likely to make either his *Person* or his *Government* or both to be feared and hated by the whole Nation, though really and truly there was no more ground for any of them than there was for his purpose of bringing in *Popery*; which though the *Grandees* of the Faction knew well enough, yet they knew too that it would serve their turn as well as if it were true, if the People could be made to believe it was so, and withall that they might lawfully, nay that they were bound in conscience with their Lives and Fortunes to defend themselves, their Wives and Children, from being made *slaves* (for that's the style it must run in) by the *King* or his *Evil Counsellours*, who ought to be brought to condign punishment by *force*, if it cannot be done by *Law*; against which the People were made to believe the King did protect those *Evil Counsellours* of his. And by this means was that *Good*, that *Godly*, that *Gracious*, that *Just* and every way *Vertuous King* of ours, brought first to be *rebell'd* against, and at last to be *murthered* by his own Subjects in his capital City, and before his own Palace gates. And thus may the *best Prince* that ever was, will be or can be in the World, be exposed, traduced and ruined; and the *best Government* in the World be brought to confusion and dissolution: and all the *Subjects*, for
fear

fear of an imaginary slavery, be made *Slaves* indeed to those whom they helped to make them so; there being no way to secure any *Prince, State or People*, from being always obnoxious to these fatal mischiefs, but the maintaining of this *Axiom* or *Maxim* of true Policy, as Sacred and inviolable (*viz.*) *That* ^{The doctrine of Non-resistance recommended.} *Sovereigns are not forcibly to be resisted by their Subjects in any case or upon any provocation whatsoever.* And that this *Maxim* may be kept Sacred and inviolable, as being the *Palladium*, the Preservative of the publick peace, and of the very *being*, as well as of the *well-being* of Humane Society; it ought to be the special care of him or them that have the *Supreme Power* to forbid under very severe penalty, the *printing, preaching*, or any way infusing or insinuating into the ears or hearts of the People any *Doctrine* to the contrary, as being not onely *false* and *erroneous*, but *dangerous* and *Seditious* also; so *seditious* and so *dangerous*, that if the *Sovereign* have not power to secure himself from the *Pulpit* and the *Press*, or if he do not make use of that power, I am afraid that it is not his *Scepter* nor his *Sword*, that will be able to secure him from his People, or his People from themselves, I mean from cutting the throats of one another.

The End of the Second Section.

SECTION

SECTION III.

The late War in *England* against the King proved to have been a Rebellion, whatever Mr. *Baxter* plead or argue in defence or justification of it.

CHAP. I.

The late War proved to have been made against the King, and consequently to be Rebellion. The Parliaments Declaration discuss'd, together with the danger of Arbitrary Votes. The Judges opinion in the Earl of Essex his Case in Queen Elizabeths time. The Presbyterian Clergy charged with the Rebellion.

AND thus having, as I conceive, sufficiently proved it to be unlawful for Subjects to rise up in Arms against their *Sovereign*, in any case or upon any provocation whatsoever; as being not only contrary to the Precepts of the *Gospel*, and the Practice of the *Primitive Christians*, but to the Dictates of right *Reason* also: I thought there would have been no need of saying any more to prove the late War here in *England* to be Unlawful; because I took it for granted, that it was a War made against

The Bishops
grounds to
prove the late
War unlawful.

A a a the

the King, and that our King was our only *Sovereign*, and that those that made the War were but *Subjects*, meer *Subjects*, and no more than *Subjects*. But Mr. *Baxter* tells us,

Mr. B's contrary grounds to justify it.

First, That the late War was not made against the *King*.

Secondly, That the King was not our *Sovereign*, at least not our sole *Sovereign*. And,

Thirdly, That those that made the War were not meer *Subjects*, but had their share in the *Sovereignty*, and that in the chiefest part of the *Sovereignty* (namely the *Legislative* power) as well as the *King* had.

His confidence of these grounds.

H. C. p. 489, 490.

And upon these grounds he builds his *Babel* of confusion; and of the solidity of these grounds he is so very confident, that he saith he will confess himself to have been a *Rebel*, nay, a most *perfidious Rebel*, and that he will offer his Head to Justice as a Rebel, if these grounds of his can be solidly confuted. Let us try therefore, whether they be so impregnable, as he presumes they are or no. I for my part am so far from thinking them to be so, that they seem to me to have no solidity at all in any of them.

The first of them considered.

H. C. 476. ad finem istius paragraphi.
The Parliaments Declaration.

We will begin with the first, viz. that the late War here in *England* was not a War against the *King*, and therefore could not be a *Rebellion*. The *Consequence* I confess to be good; But how doth he prove the *Antecedent*? why, he proves the *Antecedent*, namely, that the War was not against the *King*, because the *Parliament* declared it was not against the *King*, but only against his evil *Counsellors*, and his *Delinquent Subjects*, that misled him, and were his *Enemies* as well as the *Commonwealths*. And it was upon

upon this account, saith Mr. Baxter, that I served the Parliament; nor do I know (saith he) *that I ever fought against the King, unless every one of the Kings Soldiers was a King; or some one of them at least.* From which saying of his, I observe by the way, that Mr. Baxter himself, in obedience to the Parliament, did himself personally fight against the Kings Soldiers, but not against the King, unless some one of those Soldiers he fought against was the King; as if no body can be said to fight against the King, but one that hath a personal Combat or Duel with the King. And perhaps the Parliament, not thinking it time yet to speak out, did hope to make the People believe, that they made War against *Delinquent Subjects* only, and not against the King; because they did not, as the King of Syria did, * command their General and his Officers *to fight with neither small nor great, but only with the King.* It is true, the Parliament did not so: but it is true too, that they did not except the King from being fought with neither; nor consequently from being kill'd. For, as Mr. Baxter saith, *it is to be suppos'd those that fight would kill those with whom they fight:* and then what might have become of the King, if Mr. Baxter had hapned to encounter him when he was a fighting with other of his Soldiers? But, to let this pass, as spoken of occasionally only, Mr. Baxter tells us, that he and those that engaged with him in the late War were obliged to believe the *Parliaments Declaration* that it was not a War against the King, because the Parliament were not only the most competent Witnesses and Judges, but the chosen Trustees of the Peoples Liberties.

Ibid.
Mr. B. personally engaged in the War.

N.B.

The Parliaments design in that Declaration.

* 2 Chron. 18, v. 30.

Mr. B's own confession in the case.
H. C. p. 422.

H. C. p. 471.

By Parliament
Mr. B. means
the House of
Commons.

But whom or what doth Mr. *Baxter* mean by such *Parliaments* as the People are obliged to believe? surely not the *King*, *Lords* and *Commons*, which is the true notion of a *Parliament*; no, nor the *Lords* and *Commons* (who both of them together are but the Body of a *Parliament* without a Head.) For the reason which he gives, why they (*the People*) are obliged to believe them, is, because they are their *chosen Trustees*; but so are the House of *Commons* only, and not the *Lords*. So that whatsoever the House of *Commons* declare or remonstrate unto the People, is to be believed to be true, and just, and legal, and the People to act accordingly; and some there will always be that will do so.

The ground of
Felton's Mur-
dering the
D. of *Bucking-*
ham, a Vote of
the House of
Commons.

For Example, the House of *Commons* in the late *Kings* time Voted the Duke of *Buckingham* (this *Dukes* Father) to be an Enemy to the publick; and therefore *Felton* thought himself obliged to kill him, and did so, and for no other reason but that only. For being presently apprehended and ask't why he did it? Look (said he) betwixt the *Crown* and *Lining* of my Hat, and you shall find the reason why I thought my self bound in conscience to God, and in duty to my King and Country to do it. And there (as he told them they should) they found a Paper sticht to the inside of the *Lining* with the aforesaid Vote of the House of *Commons* written upon it. And this was told me by a very credible Witness Sir *Thos. Alisbury*, then one of the Masters of Requests, but formerly Secretary for the Admiralty to the aforesaid Duke, who was by when he was Murder'd, and heard the aforesaid Examination of *Felton*, and his justifying of what he had done upon that account of the aforesaid Vote of the House of *Commons*.

mons, which was taken out of his Hat, and seen and read by the aforesaid Sir Tho. Alisbury.

I have repeated the Story of this matter of fact, the rather, because there have been of late divers such Votes passed in the House of Commons against several Persons of eminent Quality and Dignity, who were all of them to be supposed to be innocent until they were proved to be guilty; and yet before any such proof made, or any proceeding against them *per legem terræ*, or according to the Law of the Land; as some of them were, so all of the like quality, that is, all the Nobility, may be condemned by a Major party of a House of Commons, as Enemies to the Commonwealth, or of King and Kingdom; and according to Mr. Baxter's Doctrine, must by the People be believed to be so; and consequently they that are so Voted, how many, how great, and how innocent soever they are, they are to be exposed to have their throats cut by any Fanatical Zealot, or (which is worse) to be torn in pieces by the enraged Rabble, as the two Dewitts were lately in Holland, and as Dr. Lamb was in London in the Reign of King James. For it is but giving of the Word in such a season, and down goes that Voted, or rather that Devoted Person, and is knock'd on the head before he can open his mouth to speak for himself, when perhaps he is not the Man they took him for neither.

The dangerous consequence of such Votes.

What is become in the mean time of *Magna Charta*? Where is the security thereby provided, for the Lives, Liberties and Properties of *Free-born English-men*? when an arbitrary Vote of the House of Commons, if it be believed (as Mr. Baxter saith it must be) by the People; and be put in execution (as.

No man safe in such cases.

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(as Mr. *Baxter* cannot deny but it may be, because it hath been) may take away any mans life, how innocent soever, without any farther process, or a legal proof of any crime against him. For who is there that can secure himself from such a *Vote*? or that can be secured after he is devoted by such a *Vote*, from being killed by the next man that meets him in the Streets? for there be more *Feltons* (saith Mr. *Baxter*) than one; neither will the hanging of one discourage all the rest from hazarding their lives upon the same account, as long as they are possessed and actuated with the same principle, (*viz.*) that it is not only lawful, but a glorious and meritorious deed, to kill any man that is an Enemy to the Publick; and withal that he is obliged to believe that any, or as many, as the *House of Commons* shall declare to be so, are so.

The Remon-
strance of the
House of Com-
mons made
use of for the
destruction of
the Kings
Person.

It was high time therefore for the *King* to give a stop to such proceedings by dissolving the late *Parliament*, to prevent the proscribing of all that were about him and employed by him, and perhaps the remonstrating against himself also as their Predecessors had done against his Father: which *Remonstrance* made by the then *House of Commons*, as it was intended and made use of at first by the *Presbyterians* to begin and carry on their Rebellion against the King and his Party; so was it made use of at last also by the *Independents* for the destruction of the Kings Person: the pretended male-administration of the Government (which was the matter of the *Remonstrance*) being that for which he was indicted and condemned and put to death by the *Independents*. And yet that very *Remonstrance* it was that Mr. *Baxter* in the place before quoted saith, the People

ple were obliged to believe, and consequently to act thereupon as afterwards they did, and yet good man he was in the mean time far from being guilty of any hurt to the Kings Person, or destruction of his Power. Hol. C. p. 48.

But why was he or the rest of the People obliged to believe either that Remonstrance or this Declaration of the House of Commons? were they infallible that they could not be deceived themselves, or were they impeccable that they could not deceive others? neither the one nor the other: For Mr. Baxter himself tells us, *it is well known that Parliaments, quâ tales, (as such) are not divine, religious, Protestant, or just: That sometimes the major part in either or both Houses may be the worst.* And therefore I should think not always to be believed in what they declare, nor always to be complied with by the People (whose Trustees they are) in whatsoever they command or undertake. For if They be such as Mr. Baxter saith They may be, may They not betray their trust, and act contrary to the Interest of those that trust them? Yes, saith Mr. Baxter, they may, and consequently may (saith he) *forfeit their power as well as Kings; nay, in some cases (saith Mr. Baxter) We are all, (that is the whole Nation) to take part with the King against the Parliament: as First, If they would depose the King unjustly, or change the Government; or, Secondly, If they notoriously betray their trust in fundamentals, or in points that the Common good depends on (as if ever any Parliament did, That we are now speaking of did, and did it most notoriously) there (saith he) the Peoples duty is to forsake them and to cleave to the King against them.* But who shall be Judg whether they do so or no? or if there be a division Parliaments not infallible nor impeccable by Mr. B's own confession,

Holy Com. w. pag. 437, 438.

And in some cases to be deferred by the People. Ibid.

Holy Com-w.
Pag. 439.

Mr. B's incon-
sistence in the
resolution of
such cases.

The Law a
sure Rule.

vision betwixt those between whom the *Sovereignty* is divided (as Mr. Baxter supposeth it is betwixt *King* and *Parliament* here in *England*) and the one usurps, or is pretended to usurp upon the other; What then? why then, saith Mr. Baxter, *it belongs to the People to judg whose cause is best and to resist the usurping party.* But the People (as he tells us in another place) *cannot themselves judg for themselves;* and therefore (saith he) *the Constitution of the Government having made the Parliament the Trustees of our Liberties, hath made them our Eyes by which We must discern our dangers:* And therefore (as he saith a little before in the same page) *We are obliged to believe them as the most competent Witnesses, and Judges, and the chosen Trustees of our Liberties.* So that if there be a difference betwixt the *King* and the *House of Commons*, and the *House of Commons* would depose the *King* never so unjustly, or change the Government never so notoriously, or betray their trust never so perfidiously, yet if the *House of Commons* themselves will not say they do so, but declare the contrary, the People are to believe them and to side with them against the *King*; yea, and against the *House of Lords* too, if they joyn with the *King*: which how it can consist with the Doctrine of *Co-ordination*, or with his own aforesaid Assertion, that *in some cases* the People are to cleave to the *King* against the *Parliament*, he were best to consider.

In the mean time, thanks be to God, We have a better and a more certain *Rule* of right and wrong and to be guided in what We are to believe and do, than an arbitrary *Vote* of the major part of the *House of Commons*; and that is the known *Law of the Land*. For *verissimum illud* (saith *Grotius*) *ubi semel à jure*

à jure recessum est, incerta esse omnia; * when we are once out of the road and rule of the Law, we know not whither We are a going, nor what we are a doing.

* In Prolegom.
de jure Belli &
Pacis.

If therefore the question be, Whether the late War was made against the King or no; it is not a Declaration of the House of Commons, or of both Houses, either *pro* or *con*, that will decide the question; but

The E. of Essex his case in Q. Elizabeths time.

Ad legem, ad legem, it is the Law that must do it, and the Law hath done it. For when the Earl of Essex in Queen Elizabeths time, at his Arraignment for Treason and Rebellion against the Queen, (because he took up Arms without her Commission) pleaded that he did it for the Queen and not against her; because his meaning was only to remove Cecill and Cobham and Raleigh and other evil Councillors that were about her, and were hers and the States Enemies as well as his; protesting then, as Mr. Baxter does now, that he meant not any the least hurt to the Queens Person or diminution of her Power: upon which often reiterated protestation of the Earls, especially that of his meaning no hurt to the Queens Person; the Sages of the Law, that were Assessors to the Lords that were his Judges, being askt by the Lords, what was the Judgment of the Law in that Case; *Pronunciarunt, si quis attentaverit ita se firmare, ut Rex resistere non potuerit, Rebellionis tenetur, &c.* "They pronounced or declared that

The Judges Opinion in that case.

"if any man should attempt to make himself so strong that the King should not be able to resist him, he is guilty of Rebellion. *Item* that the Law interpreteth that in every Rebellion there is a conspiracy against the Life and Crown of the King; for a *Rebell* will never suffer the King to live or

* Cambd. Eliz. ad Ann. 1601.

reign, who may afterwards punish or revenge such his Treason or Rebellion. Which Interpretation of the *Law of England* they confirmed,

A threefold confirmation of that their opinion.

First, By the *Imperial* or *Civil Law*, whereby to do any thing against the safety of the Prince is reputed to be Treason.

Secondly, By the force of *Reason*; because it cannot be but that he, which hath once given Law to his *King*, should never permit the King to recover his former authority, or to live, left at any time after he should revenge it.

Thirdly and lastly, They confirmed it likewise by *Examples* drawn from our *English Chronicles* of *Edward* the II. and *Richard* the II. both which being once by force of Arms gotten by their Subjects into their Power, were not long after Deposed and made away also.

Three Observations drawn from thence.

I have repeated at large what was then said to be the *Law of England* by the authorised and sworn Expositors of the Laws, I mean the Judges. And from what was said by them then in that particular Case, I observe,

First, That Arms taken up, or Forces raised by *Subjects* of what condition or upon what pretence soever, without the *Sovereigns* leave or commission, are in construction of Law taken up and raised against the Sovereign.

Secondly, That such Forces so raised, against whomsoever or to what end soever they are pretended to be employed, are in construction of Law intended not only to take away the Kings *Power* but his *Life* also.

And, *Thirdly*, Because the Law presumes, that those that have taken away his Power will not let him,

him live, for fear he may recover his Power, and revenge himself of those that took it away from him; I cannot chuse but think that the *Presbyterian* Party, though they did not at first intend to take away the Kings *life*, yet after they had taken away his *Power*, and made him their Prisoner, and used him so barbarously as they did whilst he was their Prisoner, I cannot chuse but think, I say, that (had not the *Independents* taken him out of their hands) they would have taken away his life at last also, though not by a formal publick judiciary Tryal as the *Independents* did; but some way or other they would have done it. For who can believe they would have suffered him to live, or at least to live as a King, whom They could not chuse but think they had provoked beyond a capacity of being Pardoned by him, if ever he should be in a condition to be revenged of them? And why should We think they would have stuck at making him away in the dark or in a *Prison*, whom before they had so often indeavoured to kill in the open *Field*? For it is to be supposed, saith Mr. Baxter, that those that fight would kill those they fight against; and therefore it is to be supposed likewise (say I) that those that commissioned their Armies to fight against their King (as the *Presbyterian Parliament* did the Earl of *Essex*) did commission them likewise to kill the King if they could. For I never heard that the King was excepted from being fought against, and consequently from being kill'd, in any of their Commissions: or that so much as any private Instruction or Intimation was given to my Lord of *Essex* or to any of his Officers, much less to all of them, to spare the King: such a one I mean as *David* gaveto *Joab* and

N.B.

The Presbyterians would have done what the Independents did, had they been let alone.

Holy Com.
p. 422.

The Kings Person excepted in none of their Commissions.

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the Officers of his Army for the sparing of *Absolom*.
 — So that there was no more care taken by the *Parliament* for sparing of the *King's* life, than for sparing the life of any of those whom their Armies were commissioned to fight against and kill; and consequently they were commissioned to kill the *King* as well as any of the rest They were to fight withal.

The Presbyterian Clergy taxed, as to the late Kings Death.

And if so, then not only those that commission'd those that fought against the King, but those that stirred them up, and encouraged them to *fight against* the King, did stir them up and encourage them to *kill* the King also: and if so, how can the *Presbyterian Clergy* of those times, especially the *London* and *Parliament Preachers*, be excused from being *intentionally* guilty of the late *King's* death, before he was *actually* murdered by the *Independents*.

Vid. Evangel. Armatur.

Mr. B. particularly charged.

But of all the rest how will Mr. *Baxter* excuse himself who tells us it is to be supposed that those that *fight* would *kill* those they fight against, and consequently that those that encourage them to *fight*; do encourage them to *kill* those whom they fight against, and withal confesseth that he encouraged thousands to do that which the *Law* calls *fighting against the King*; how will he, I say, excuse himself from being, *consequentially* at least, if not *intentionally*, guilty of the late Kings Death? How then can he with any ingenuity or sincerity say, that he was never guilty of hurt to the Person or destruction of the Power of the King? And yet he doth say so, and that so confidently, that he professeth likewise that if either this or that (viz.) that if either he was guilty of hurt to the Person, or destruction of the Power of the King, can be proved against him, he will never gain-say them that call him a most perfidious *Rebell*,
 and.

Hol. Com.
 1. 489, & 490.

Notwithstanding his confidence.
 Ibid.

and tell him he is guilty of a far greater sin, than Murther, Whoredom, Drunkenness, and such like.

In the mean time he doth confess, and is convicted, it seems, that a *Rebel* is a worse man and a greater sinner, than a *Drunkard*, or a *Whoremonger*, or a *Murtherer*, if he be indeed a *Rebel*, though perhaps he doth not think so; which is a severer sentence than I durst have pronounced upon many of those that were indeed *Rebels*, but did not think themselves to be so; but were misled by their spiritual guides, who made them believe that to fight against the King was to fight for the King; and that all the while they were doing God and the King good service: which the greater diminution it was of their sin that were so deceived, the greater aggravation it was of their guilt that did so deceive them. And yet those, that were the least sinners of these *Rebels*, were according to Mr. Baxter's account greater sinners than *Drunkards*, *Whoremongers* and *Murtherers*: so that if he could as truly (as he doth boldly and frequently) charge most of the *Episcopal* Party with *Drunkenness* and *Uncleanness* and *Profaneness*, yet seeing he cannot charge them with *Rebellion* against their Sovereign, they will still be less evil, how bad soever they are, than the best of those of his Party, if They were *Rebels*, as I think They have acknowledged themselves to be, by suing for and taking out their *Pardons* for their *Rebellion*.

Rebellion, as Mr. B. owas, a greater sin than Murther, Whordom, Drunkenness, &c.

Some were *Rebels*, who did not think themselves so.

Neither can the *Bishops* and the *Episcopal Clergy* be so answerable to God and the World for the *dis-soluteness*, *debauchery* and *Profaneness* of those of their Party (were it as general and as great as Mr. Baxter would have it believed to be) as the

The Schismatical Clergy under a just reproof.

Schif-

Schismatical Clergy are for the *Rebellion* against the King, their *Sacrilege* against God; and for the *plundering* and *murdering* of their fellow Subjects by those of their Party; because none of them can say with any colour of truth or credibility, that any of our *Clergy* did ever encourage any of our Party to be *dissolute*, or *debauch'd*, or *profane*, or *blasphemous*, or *Atheistical*, in any kind or in any degree: much less did We commend them for being so, or pray to God to make them so, or thank God because they were so; but We can say and say it truly, that the *Schismatical Clergy* were not only *Rebels* and the greatest of *Rebels* themselves, but did what they could, by *preaching* and *praying* and *fasting* and *thanksgiving*, to make the whole Nation (as they did all that were their *Proselytes*) to be *Rebels*; if at least the fighting of *Subjects* against their *Sovereign* be *Rebellion*; or if those that are guilty of hurt to the *Person* of the King or destruction of his *Power* be *Rebels*, as Mr. *Baxter* saith they are.

C H A P. II.

The Destruction of the King's Power by the Presbyterians (as afterwards of his Person by the Independents, &c.) proves the late War to have been made against the King (and consequently to have been Rebellion) whatever the Parliament declared to the contrary.

NOW that all those, that fought and that commissioned and encouraged others to fight in the late War, were guilty of **the Destruction of the King's Power**, is so undeniably evident and apparent, that it needs no proof. Unless Mr. Baxter will say, that the King never had any Power at all; for I am sure they brought him to that pass by that War, that he had no power at all at last, witness his condition at *Holmby*, where he was so far from having the Power of a King, that he had not the Liberty of a Subject, neither as to the liberty of his Person, or of his Conscience; For they would not allow him one of his own Chaplains to assist him in the service of God. And to this diminution or rather annihilation of power was that good King brought by those, who were all of them commissioned by the **Presbyterian Parliament**, and many thousands of them encouraged by Mr. Baxter himself (as Mr. Baxter himself confesseth) so that if those that were guilty of the destruction of the King's Power were Rebels, (as Mr. Baxter saith he will not gainsay but they were) then Mr. Baxter and those of the **Presbyterian Party** were

The King's Power destroyed in the late War.

The Presbyterian Party who destroyed his Power, by Mr. B's own confession, Rebels.

were all of them *Rebels*. For it was whilst that Party was in power, and it was by that power of theirs, that the *King's Power* was destroyed, and he left utterly unable to defend himself against the *Independents*, *Anabaptists*, and other *Fanaticks*, who after his *Power* was destroyed by the *Presbyterians* destroyed his *Person* also.

Not consequently
can they be
absolv'd from
the guilt of the
King's murder.

And therefore supposing, but not granting, that neither Mr. *Baxter*, nor any other of the *Presbyterian* Party had intended any hurt to the *King's Person*; yet that will not absolve them from being guilty of the hurt that was done unto his Person, or of the *King's murder*: no more than those Thieves, who (as *Salmasius* saith) having robbed and disarmed a man, and left him bound hand and foot to be devoured of wild Beasts, because they do not actually hurt or kill him themselves, can be said not to be guilty of his death, if afterward by a Lion or a Bear or a Wolf he be destroyed and devoured.

The late war
then was made
against the
King.

And thus much for proof that the *late War* was made against the *King*, notwithstanding the *Parliament* (as Mr. *Baxter* calls it) declared to the contrary; and consequently was a *Rebellion* properly so called; as likewise for proof, that those that were engaged or did engage others in that War, (whatsoever their intentions were or might be) they were all of them guilty of the destruction of the *King's Power*: and consequently *perfidious Rebels*, and worse than *Whoremongers*, *Drunkards*, and *Murderers* in Mr. *Baxter's* own judgment, notwithstanding his Protestation to the contrary.

We have done skirmishing with Mr. *Baxter's* forlorn-hope, and a forlorn-hope it was indeed, if he did

did hope he could induce any to believe, not only against their reason, but against their sense also, that which verily I believe he doth not believe himself: namely, that the *late War* was not made against the King. I am sure he did not, at least he was not bound to believe it (as he saith he was) because his and the Peoples *Trustees* for their Liberties (that is the *House of Commons*) had declared it was not: unless he will say that the *House of Commons* is such a body of men, as is either *infallible* or *impeccable*; so that whatsoever they or the major part of them declare must needs be so as they declare it to be, and that the People are bound to believe it to be so, because they have no other way to inform themselves, but by their *Trustees*; and because these are such *Trustees*, as they are sure will not, cannot betray the trust reposed in them: and yet Mr. *Baxter* himself saith, (as I noted before) that the *Major part* of both *Houses* may be the worst, and such as the People are bound to take part with the King against them. How then can he with any ingenuity, or hope to be believed, say that he and the People were bound to believe, that the *late War* was not made against the King, because one or both Houses of *Parliament* had declared it was not? And yet this is the only Argument he brings for the proof of it.

And that though the Parliament declared it was not.

But truth will out sometimes before a Man is aware, and though he takes never so much care to suppress it. For whereas in the place before quoted, Mr. *Baxter* (though he confesseth he fought against the Kings Soldiers) yet he affirms he fought not against the King, thereby implying that he thought it unlawful to fight against the King, though not against those commissioned by him: yet in another

H. Com. p. 419.

Mr. B. proved
to believe so
himself.

place he saith, it is no resisting of Power but of Injustice, to fight against the King and his Soldiers for the common good; thereby implying, that to fight against the Kings Soldiers or his Army, is to fight against the King; or that it is as lawful to fight against the one as against the other; and consequently it is evident that notwithstanding the *Parliaments Declaration* to the contrary, Mr. Baxter himself did believe the late War to be made against the King, and must therefore have been (at least in this particular) an *αὐτοαίτιος*, one self-condemnd, in pretending he did, and was bound to believe it was not made against the King, but against his evil Counsellors, and other his Delinquent Subjects only.

C H A P.

C H A P. III.

Another ground of Mr. B's justifying the late War, that according to our constitution the King is not sole Sovereign, disproved. The Act for the Rebel-Parliaments sitting, censured. All Kings (properly so called) not accountable to the People, but to God only.

AN D this doth farther appear by the little confidence he himself seems to have in this *Another Topick* *of Mr. B's that the late War was not Rebellion.* For supposing (as he had all the reason in the World to suppose) that the aforesaid Declaration of the Parliament (as he *καταγγισκῶς*, abusively and fallly calls it) would signifie nothing with considering and understanding men, as to the justifying of the late War from being a down-right Rebellion, as indeed it was; he seems to quit this as an indefensible Out-work, and retires to that which he thinks to be a much stronger Hold; and which if he can maintain, he thinks, that though he should grant the late War to have been made against the King; yet it was not, could not be a Rebellion, because it was not made by Subjects against their Sovereign. For the King of England, (saith he) according to the constitution of *Because the King, he saith, is not sole Sovereign.* our Government is not our Sole Sovereign, but there be others that be partners with him in the Sovereignty it self; and of this he is so very confident, that he saith in positive and expresse terms, that if any man *Mr. B's bold offer.* can prove that the King was the highest power in the time of those Divisions, He will offer his head to justice *Vid. Praef. to Holy C. prope finem.* for a Rebel.

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Which saying of his seems to require some animadversion upon it, as not being an absolute denial of the *Kings Sovereignty*, or of the Kings being the *highest Power*, but of his being Sovereign or highest Power, during those times of division only; which seems to imply that he was (even in Mr. Baxters opinion) the *Sovereign* or highest Power before those times of division.

It hat Mr. B's meaning is in denying the King to be the highest Power in the time of our divisions.

And it this be his meaning, as it must be, (if there be any meaning at all in those words) then it is not from the *Constitution of the Government* (as Mr. Baxter saith it is) that the *King*, I mean our King of England, is not the *Sovereign* or the *highest Power* always and in all times and to all intents and purposes: but it was from the *Alteration* of the essential *Constitution* of our *Government*, and from the iniquity of those Times and Persons that made that alteration; that the *King* did not, nor could not then exercise those Acts of *Sovereignty* or Supreme Power, which was as legally invested and as inseparably inherent in him, even then, as ever it was before. For though the *δυναμς*, the *Power*, might and was, yet the *ἐξουα*, the *Authority*, was not nor could not be taken from him, but by taking away his *Life* also.

The King's Power taken from him, his Authority remained good.

The Act, which the King pass, for the Parliaments sitting,

Unless Mr. Baxter will say (and there seems to be some such secret intimation in that saying of his I last quoted) that the *King* himself gave away his *Sovereignty*, or that he made his *two Houses of Parliament* partakers with him in it, when he passed an Act for their sitting until They themselves should be willing or content to be dissolv'd. I confess this was a very great alteration in the very fundamental constitution of the *Government*, and I confess the *King* passed such an Act: the very great streights he

was

was then in, together with the minatory importunity of the two *Houses*, backt by the insolent and tumultuous behaviour of the Multitude, necessitating him (as it were) to do that, which never any of his *Predecessors* did before him, (and I hope never any of his *Successors* will do after him.) I mean to pass such an *Act* as that was: Although that *Act* gave neither of the *Houses* singly, nor both of them jointly, any whit or jot of more Power (but only of sitting longer) than what They or their *Predecessors* had before, or their *Successors* now have. And I hope Mr. *Baxter* will not say that is a Power to repeal *Acts*, to make *Ordinances* of equal validity and obligation with *Acts* without the *Royal Assent* to them, to raise *Armies* and *Monies* to maintain them upon their fellow-subjects and against their fellow-subjects and against the King himself also. Did the *Act*, that gave them a Power to sit until they thought fit to be dissolved, give them Power to do all, or any of these things before specified? and many other, as bold, as bad and as illegal as any of those were? or because they had leave to sit as long as they listed, had they leave to do what they listed also? No, no; it was their ingrateful and ungracious abuse of the Kings too gracious favour to them, that was the cause of all those evils, that afterwards upon that occasion befel Him and the whole *Royal Family*, and all his *Loyal Subjects*. And therefore of all the *Acts* that ever that good King did, I take the passing of the aforesaid *Act*, for the sitting of the two *Houses*, not during his, but their own pleasures, to be the worst, not only in point of prudence and policy, as most prejudicial to the *Crown* and *Government* in general; but in point of *Right* and *Justice* also,

Gave them no more Power, than they had before.

The worst *Act*, that blessed King ever did.

also, to all and every one of the rest of his *Subjects*: I mean as many of them as were capable of chusing, and of being chosen *Parliament-men*; who were all of them by the passing of this *Act* excluded from having what was due to them, in either of those capacities; and consequently, from the Rights and Priviledges of *Free-born Englishmen*, as long as those *Parliament-Men*, that were then in being, should please to sit; and that might be, and was (as We saw afterwards) as long as they lived, or at least as long as they could; I mean till the *Army*, which they raised, made them to rise whether they would or no; and yet there want not some that say they are still in being.

Mr. B grounds his denial of the Kings Sovereignty upon the constitution of the Government.

But to return from this digression, because it is not upon this particular occasional alteration of the *Government*, that Mr. Baxter doth openly and professedly ground his denial of the *Kings Sovereignty* here in *England*; but upon the fundamental and essential constitution of the *Government* it self; and consequently he denies *England* to be a *Kingdom* and our *King* to be a *King* properly so called. For he himself defines a *Kingdom* to be such a *Commonwealth or body Politick as hath but one Person only for its Sovereign*. So that according to this definition, all *Kingdoms* that are *Kingdoms* indeed are *Monarchies*, and all *Kings* that are *Kings* indeed or *Kings* properly so called are *Monarchs*. I say *Kings* properly so called, because some have been called *Kings*, who were really no *Kings*, as the *Kings* of *Sparta* or *Lacedæmon* were; who were but *Generals* of their *Armies* only, the *Sovereign Power* of the *State* being in those that were called the *Ephori* or *Overseers*, to whom those they called their *Kings* were

*His definition of a Kingdom.
H. C. p. 85.*

The Lacedæmonian Kings, only titular.

were legally accountable for all their actions, and by whom they were legally punishable, even with death it self, for their delinquencies; whereas the *Ephori* were accountable to none, nor punishable by any; and therefore the Sovereign Power of the State was in them, and consequently their *Kings* were Kings and no Kings, that is *Kings* in name and title only, but really and indeed no more than *Subjects*. So that the Government of *Lacedamon* was not *Regal* The Government there Aristocrati- or *Monarchical*, but *Aristocratical*: and so *Thucydides* calls it. For as speaking of the *Athenians*, he calls them the *οἱ πολλοί*, the *Multitude*, or *Populace*, because their Government was *Democratical*, so speaking of the *Lacedamonians* he calls them the *οἱ ἄριστοι*, the *Best sort of People*, or the *Nobles*, because their Government was *Aristocratical*; whereas if it had been truly *Regal*, or their Kings had been truly and properly called *Kings*, he should have called them *οἱ βασιλικοί*, *Royalists* or *Kings-men*, or *οἱ μοναρχιμένοι*, the *Subjects of Monarchs*, because their Government would then have been *Monarchical*. For a Government to be *Regal* and to be *Monarchical* is all one, there being no *King* properly so called but he is a *Monarch*, that is, one that governs all and is subject to none, and consequentially accountable to none for any thing he doth in his own Kingdom.

And this is true of all *Kings* properly so called, whether they be greater or less, *Successive* or *Elective*, and whether they be *Despoticall* or *Politick*; for both *Successive* and *Elective* Kings properly so called may be either *Despoticall* or *Politick*: for as the *Successive Kings* in the three first *Monarchies* were *Successive* and *Despoticall*, and are so still in the All Kings indeed unaccountable to the People:

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Even Political
Kings, who are
obliged to go-
vern by Law ;

And though
Kings by Electi-
on only.

the East and South parts of the World and in both the Indies : so those of the fourth and last Monarchy also, (I mean) the Roman Emperors, whether Successive or Elective, were all of them Despotically ; and so in Europe are the successive Emperors of Turkey and Russia and Tartary at this day, that is such as are not only Monarchs, that is such as have the whole Sovereign Power solely in themselves (as all Kings or Monarchs properly so called have also) but have and exercise that Sovereignty or Sovereign Power without being bounded or limited by any Laws or Rules to govern by, but as Lords over their Vassals absolutely and arbitrarily according to their own Will and Pleasures. Whereas Political Kings and Princes, whether Successive, as the Kings of England and of France and of Spain ; or Elective, as the Emperor of Germany and the King of Poland ; are obliged to govern according to the Political Constitutions and Laws of their several respective Seigniories and Dominions, but not so as to forfeit their right to their Crowns or to be accountable to any judicatory, or punishable by any Power here on Earth, if they do not do so ; no, though they be Kings but by Election only ; so they be elected to be Kings indeed, and not in name and title only, as the aforesaid Kings of Lacedemon were, and as the Dukes of Venice now are, who are Subjects to the Senate there, as the Kings of Lacedemon were to the Ephori in Sparta, though those were Successive, and these Elective. For it is not their succeeding or being elected, or being called Kings, that makes them to be Kings indeed ; but their being invested with Kingly Power, that is to be over all and under none, whether they be born
or

or elected to be so; or by what name or title soever they be called, whether *Kings, Emperors, Sophies, Sultans*, or but *Dukes* only. For the Duke of *Florence* is as much a Monarch in his own Dominions, as any of the former are in theirs.

He therefore that is born or chosen to be such a *King* is not nor cannot, after he is such a *King*, be accountable or punishable for any thing he does, how unjustly or how much against Law soever it may be, but to God only, and by God: because all within his own Dominions are his *Subjects*, and none without his own Kingdoms and Dominions (though they be never so much greater or more powerful *Kings* than he) have any thing to do with him, and much less have They any authority over him, which they must have that can justly pretend to punish any man, how great a Delinquent soever he may be, or what wrong soever he hath done against others or against themselves.

*All such Kings
accountable to
God only.*

C H A P. IV.

A Query resolved, whether a King Elective may not be Deposed, upon non-performance of conditions? Our King proved from Mr. B's own Principles, to be a sole Sovereign.

The Question.

BUT may not the *People*, that chuse one to be their *King* upon such or such conditions, upon his non-performance of such conditions **Depose** him or take away that Power over them they gave

The Answer.

unto him? I answer, that if they chuse him to be their **King indeed**, and not in name and title only, then he did thereby become their *King indeed*, that is, their *Monarch*, or *Sovereign Lord* over all of

Reason.

The People upon their choice part with all the Power they had.

them; and consequently they did all of them become his *Subjects* without any Power *Civil* or *Military* left in themselves but subordinate to him or derived from him, and consequently such as could not lawfully in any case, or upon any provocation be used against him: The People having by such an Election parted with all the Power they formerly had, without any reservation, and much less power of resumption. And this was well understood by

Valerian's Reply in the like case.

Valerian the next Successor but one to *Julian* the Apostate, who being chosen by the Army to be their *Emperor*, and they crying out to him to name another to be *Consors imperii*, a Partner in the Empire, or one to govern with him, he gave them this notable Answer.

Vid. Zozom. lib. 6. cap. 6.

Τὸ μὲν εἰλέσθαι μὲ φησὶν ἄρχην ὑμῶν ἐν ὑμῶν ἢν· ἐπεὶ δὲ εἰλέσθαι, ὁ γὰρ αὐτῶντε ἔκ ἐν ὑμῶν ἀλλ' ἐν ἐμῷ.

ἡμεῖς. Καὶ πρὸς τὰς ἡ ἀρχαίους ὑμῶν ἰουδαίαν ἀρχὴν, ἡμέ
 δὲ ὡς βασιλεὺς τοῦ μεγάλου σωτῆρος. It was in your
 Power, O my Soldiers, said he, to chuse me to reign
 over you; but now you have chosen me, that which you
 demand belongs not to you but to me: and it becomes
 you as Subjects to be quiet (or not to meddle with
 matters of Government) and to me as your King—
 and Emperor to consider what is fit to be done.

Again I answer that, even in *Elective Kingdoms*, ^{2 Reason.}
 he that is chosen by the People to be their *King* ^{A King so cho-}
 hath not his Kingly Power from them that chose ^{sen hath his}
 him, but from God: which is in express terms not ^{Kingly Power}
 only granted but asserted by Mr. Baxter, and he ^{immediately}
 values himself upon it, as being upon that account ^{from God, and}
 a better friend to *Kings* than (as he saith) some ^{not from the}
Episcopall men are; and indeed if he were always ^{People, as Mr.}
 and in all he saith consistent with himself he would ^{B. grants.}
 not be so great an Enemy to *Kings*, as in this and
 many other of his *Aphorisms* (which I have colle-
 cted out of his Book of a *Holy Commonwealth*) he
 hath shewed himself to be. For if it be not the
People, who chuse him to be their *King*, that give
 him his Kingly Power, but that he hath it immedi-
 ately from God, I wonder by what right or authority
 they can pretend to take that from him, which not
 they but God hath given to him. Surely they will
 not say they may do it whether God will or no;
 and of Gods Will that they should do so, or may
 do so, They can have no declaration or significati-
 on, but either from some plain positive standing
 Rule in *Scripture* or from special extraordinary and
 immediate *Revelation*, such as *Abraham* had for the
 sacrificing his Son *Isaac*, or as *Jehu* had for the de-
 stroying the House of *Abab*. But as to this *latter*,

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as I hope Mr. Baxter is not yet Fanatick enough to pretend, so I am sure he can find no such declaration or signification of Gods Will for the *former*. I mean in the *Scriptures* either of the Old or New Testament, as They were always and universally understood by the first and best *Christians*.

Nothing in
Scripture, for
People to con-
troul their
Kings.

It is true indeed that in the Scripture God hath commanded *Kings* or Sovereign Princes to govern according to his and their own Laws too that are conformable unto his, and threatned them if they do not, and punished them when they have not. But where or in what place of the Old or New Testament hath God appointed or permitted all or any of the *People* to do so? I mean, to punish their Kings by Deposing them, or by taking any part of the Kingly Power he had given them, away from them? Surely God did not only foresee but foretell, that many of the *Kings* of his own People the *Jews* would be, some of them *Idolaters*, and some of them *Murderers* and *Adulterers*, and some of them *Tyrants* and great oppressers of their Subjects, as appears by *Samuels* Speech unto them at the Election of *Saul* their first King; but he doth not give them, or any order of Men among them there or any where else any either *commission* or *permission* authoritatively to enquire into their Kings Actions or to call them to an account for them. And therefore the Kings of *Juda* and *Israel* were *Kings* indeed, and so are those Kings whether *Despotically* or *Politically*, whether *Successive* or *Elective*, which have no ordinary standing legal Power or Judicatory above them, whereunto they are Subject and accountable, as the *Lacedæmonian* Kings were unto the *Ephori*, and therefore were no *Kings* indeed but in name and in title

The State of the
Jewish Kings.

title only. But there is no such legal ordinary standing Power or Judicatory here in *England* above our King (for *Rex in regno suo non habet superiorem, imò nec parem*, the King in his own Kingdom hath none above him, no nor equal to him, is a Maxim of our Law) and therefore our King must needs be a *Sovereign* and a **Sole Sovereign**, according to Mr. *Baxters* own Principles and Concessions. For this is one of Mr. *Baxters* own Principles, that every Commonwealth or Body Politick must have a *Sovereign*; the form of a Commonwealth (saith he) being the relation of *Sovereign* and Subjects to each other; as likewise this is another of his Aphorisms or Principles that the *Sovereign* of one Commonwealth must be one and but one: and by but one he must needs mean but one Person, or but one *Catus* or Company of men; and consequently in which soever of them it is, it must be solely and wholly: so that to be *Sovereign* and not to be *sole Sovereign* seems to be a contradiction in adjective. From whence I argue, that if there must be a *Sovereign* or Supreme Power in every State or Body Politick, and that be the *Sovereign* or Supreme Power which by the Legal Constitution hath no Superior Power above it, then the *Regal* is the *Sovereign* or Supreme Power in *England*; because according to the Legal Constitution of this Kingdom there is no Power Superior to it or Predominant over it, but all other Powers are derived from it and Subordinate and Subject and Subservient to it.

Our King, according to Mr. B's own Principles, a sole Sovereign.

Holy Com. p. 61.

Ibid. p. 62.

Again, if the *Sovereign* of one Commonwealth, State or Kingdom must be *One*, and but *One* only, then if the King of *England* be a *Sovereign* (as having

having no Superior he must needs be) he must be a *sole Sovereign* also.

*The King hath
no Superior to
judg him, nor
Peers to try
him.*

Neither do I see how either of these Conclusions can with any colour of reason be denyed, but by assigning some Power in some Person or Persons, which by the Legal and Fundamental Constitution of this Kingdom is above the *King*, or at least equal to him. But as it is a Maxim of our Law (as I said before) that *Rex in regno suo non habet superiorem*, the King in his own Kingdom hath none above him; so it is a Maxim too that he hath not *parem* neither, none equal to him: so that according to our Law as there is none to *judg* him because he hath no *Superior*, so there is no Way of *trying* him, because he hath no *Peers*; those whom We call *Peers* being his Subjects though They are *Pares* or Peers in relation to one another.

C H A P. V.

The English Monarchy asserted against Mr. B. who would have the Kingdom of England to be a mixt Commonwealth. My Lord Chief Justice Cook's judgment on the point.

THIS one would think were enough to prove the King of England not only to be our Sovereign but our sole Sovereign; and consequently the Kingdom of England to be properly and indeed (as it hath always been accounted both at home and abroad) a Monarchy, or a Government in chief by one and by one only.

No, saith Mr. Baxter, it hath not always been accounted to be so. For it hath been a Controversie, saith he (having spoken before of Monarchy, Aristocracy and Democracy) to which of these forms our English Commonwealth was and is to be reckon'd; and the uncertainty of this (saith he) was one cause of our Wars.

Whereunto I answer, that I never heard, nor I verily believe ever any body else did hear of any such Controversie here in England, at least as to the Civil Government. As to the Ecclesiastical Government indeed of the Church there hath been a Controversie betwixt us and the Church of Rome, whether the King or the Pope be the Governor in chief of it; as likewise betwixt us and the Presbyterians, whether the King or a National Synod ought to have the Supreme managery of it. But as to the Civil Government.

Mr. B. starts a Controversie, which form of Government the English is.

This Controversie he never heard of, till the late times.

The Rebell-Parliament modest at first.

ment of the State, there was never any question made (for ought I ever heard) by any of the other-wise Dissenting Parties, but that it was *Monarchicall*, and that the King was the *sole Sovereign* of it and in it, before that *Rebellious Parliament* set up for a share in the Sovereignty: which they did not at first neither; but did in all their Addresses to him acknowledg him to be their *Sovereign*, and that not as they were particular Persons only, but as they were the representative Body of all the *Commons* of *England*: neither did the House of *Peers* ever make the least doubt of doing so also; nor of taking the *Oath of Allegiance* as to their Sovereign. So that there being then no *controversie* of the *Kings Sovereignty* over the whole Nation, whether diffusively or representatively considered; nor consequently whether this Kingdom were a *Monarchy* properly so called or no; this *Controversie*, (I say, there being then no such controversie in being;) could not be one of the causes of the War, as Mr. *Baxter* saith it was; I am sure it was none of the causes then pretended.

The secret design of some, from the first, to change the Government.

And yet I am apt enough to think that the contrivers and promoters of the War that were then leading-men in the House of *Commons*, and some of them in the House of *Lords* also, did from the very beginning design and intend a real change and alteration of the *Government* it self, though They openly pretended but a *reformation* of abuses that were in it only. I mean they did intend to turn the *Monarchy* into an *Aristocracy*, and to make a Duke of *Venice* of the King; as appears by the 19 *Propositions*, which when they thought themselves strong enough to own they made to him. But this They concealed

concealed for a long time from the main Body of their Party, for fear it might alienate most or many of them, that had any thing of Loyalty or Conscience, from them. Or if they did communicate this *arcanum*, this secret of their grand design to any, it was only to those whom they were sure of, as desiring such a change of the Government as themselves did, and whose help they were to make use of for the bringing of it about; I mean the popular Presbyterian and other Schismatical Preachers; and perhaps Mr. Baxter was one of them: Otherwise I should wonder how he comes to say, as he doth, *the Parliaments have affirmed it* (namely the Kingdom of England) *to be a mix'd Commonwealth.* For sure by *Parliament* he meant Parliament-men: for Parliaments say nothing but by Votes or Orders of the respective Houses, and I verily believe there never was any such *Vote* pass'd in either of them; if there were, he should have done well to have named those Parliaments or at least some one of those Parliaments that had affirmed the Kingdom or (as he calls it) the *Commonwealth of England* not to be *Monarchical*, but a *mixed Government*; which no doubt he would have done, if he could, being so desirous, as he seems to be, to have it so.

Mr. B. makes the Kingdom of England, a mixt Commonwealth. H. C. p. 87.

But I can tell him of one who was *Speaker* of the House of *Commons*, and as Learned a one in the Laws and Legal Constitutions of this Realm, & likewise as knowing what were the Powers and Privileges of both Houses of *Parliament*, as ever was before or since Him in the Chair; and that was my Lord Cook who saith and saith it positively as a known and undoubted truth, "That this Kingdom of ours

My Lord Cook's judgment in the Case.

E e e

"is

In the Preface
to his fourth
Book of Re-
ports.

His judgment to
be prefer'd be-
fore foreign
Lawyers and
Divines.

"is a *Monarchy*, and *Monarchy* successive by in-
"herent *Birth-right*; adding that of all others it
"is the most absolute and perfect Form of Govern-
"ments, excluding *Interregnums* and with it infinite
"inconveniences.

And now what say you, Mr. Baxter? Do you not
think this *Oracle* of our Law (for so I think he is
esteemed by those of his Profession) do you not
think (I say) that he understood the Legal and
Fundamental *Constitution* of this Kingdom, as well
as you do or any of those foreign *Lawyers* or *Divines*,
whose judgments perhaps you may rely on and be
misled by? I name *Divines* as well as *Lawyers*, because
some of the *Protestant* as well as *Papish* Divines have
done what they can to lessen the Power of Kings:
the latter to make them *ὑπεύθυτοι*, and *ὑπὸ λαοσώμενοι*,
to make them accountable and subject to the Pope, and
the former to make them accountable and subject to
the People, to their own Subjects, which is as dan-
gerous and much more dishonourable than the
other.

C H A P. VI.

Calvin answered, who though he allows not private Persons to resist, yet requires it of some Magistrates, whom he supposes the Guardians of the Peoples Liberty. No such Magistrates, as he supposeth, nor doth he say there are, and if there were, they would be extremely inconvenient to the publick. This Opinion taxed by Grotius, who yet himself, supposing the Sovereignty shared betwixt the King and People, in some case allows resistance.

AND yet this so dangerous and so dishonourable a subjection of Kings to their own Subjects doth Mr. Calvin, the Patriarch of the Presbyterians, approve of; I call him the Patriarch of the Presbyterians, because he was the first that after 1500 years Government of the Church by Bishops, invented and set up a Government of the Church by a Parity of Presbyters without Bishops; and this and this only can properly and truly be called Calvinism; what properly Calvinism. whatsoever he holds besides, even the most rigid of his Tenets, having been held by some of the School-men and some of the Fathers also.

But this Calvin I say (though otherwise a very Learned and (as our judicious Hooker saith of him) incomparably the wisest man that ever the French Church did enjoy since the hour it did enjoy him,) though he doth not allow of the resisting of Kings, even the worst and most tyrannical of Kings, by such of their Subjects as are but private men, and consequently Calvin condemns Resistance of Kings by private men, but obliges some sort of Magistrates to it.

not by the generality of the People; yet, *Si qui nunc sunt* (saith he) *populares Magistratus ad moderandam Regum libidinem constituti* (quales olim erant qui Lacedemoniis Regibus oppositi erant Ephori; & quâ etiam fortè potestate (ut nunc res habent) funguntur in singulis Regnis tres Ordines, quum primarios conventus peragunt) aded illos ferocienti Regum licentiæ pro officio intercedere non veto, ut si Regibus impotenter grassantibus, & humili Plebeculæ insultantibus conivcant, eorum dissimulationem nefariâ perfidiâ non carere affirmem; quia Populi libertatem, cujus se Tutores Dei ordinatione positos nêrunt, fraudulenter produunt.

I have put down this passage of *Calvins* in his own words, which for the *English* Readers sake may be thus translated. "If there be now (saith he) any such popular Magistrates constituted (I presume he meant legally constituted or appointed by Law) for the moderating or restraining the lust or unbridled appetites of Kings) such as were of old time the Ephori to the Lacedæmonian Kings; and which Power also (as things now are) perhaps the three Orders or Estates have in several Kingdoms when they meet in Parliament) I am so far from forbidding them (saith he) to interpose their Authority for restraining the raging licentiousness of Kings; that if they do but connive at them, when they impotently domineer and insult upon the poor Commonalty, I do affirm that connivence of theirs is a nefarious perfidiousness, because they do fraudulently betray the Peoples Liberty, whereof they know they are made the Guardians by Gods appointment.

In which passage of Mr. *Calvins* (wherewith he concludes his Book of Institutions) I observe that he

he speaks not with that confidence and clearness as he useth to speak with, in declaring his judgment upon other occasions, nor as he doth in the *Paragraph* preceding this, in which he doth positively and resolutely condemn the *resistance of Kings* by their *Subjects* in any case or upon any provocation whatsoever; and for this he brings undeniable arguments and proofs out of Scripture, and answers clearly and solidly all objections to the contrary. But when he comes (with his *deprivat* *hominibus loquor*, that is, I speak of private men) to tell us that by *Subjects* that are not to resist their Kings he means *private Men* only; what he gave with one hand he takes away with the other, by not only permitting and allowing, but by obliging and injoining some that are *Magistrates* to restrain their Kings from oppressing or *insulting* (as he calls it) over their People, and to bind their Kings as it were to the good behaviour; which how it can be done, if Kings have no mind to be so bound, but by force, he doth not tell us; and how it can be done by force without the assistance of *private men*, he doth not tell us neither; nor consequently without making private Subjects to resist their King, which as he told us before was utterly unlawful in any Case whatsoever. So that he seems, as to this point, to speak very doubtfully and warily. For first he doth not say there are *now* any such *Magistrates*, that are to be Umpires, as it were, betwixt Kings and their Subjects, with Power to curb and restrain Kings from governing of their People otherwise than they ought to do; such as (saith he) were the *Ephori* in relation to the *Lacedemonian Kings*; but he saith *si qui nunc sunt* (if there be any such *Magistrates*

His wariness in expressing himself.

now,

now, as the *Ephori* were then) and as *fortè* (saith he) *perhaps* he doth not say *certè*, for certain, or *absque dubio* without doubt, the Conventions of the *three Estates* are in those Kingdoms wherein are such Conventions, (meaning I presume the Kingdoms of *England* and *France* and others, if there be any other of the like Constitution) so that if such a Convention or Assembly of the *three Estates* have no such Power as the *Ephori* had (as *Calvin* doth not positively affirm they have, but that *fortè* or *perhaps* they may have, and consequently that *fortè* and *perhaps* they may not have neither) then hath *Calvin* this to say for himself, that if such *Conventions* or *Assemblies* have no such Power (as most certainly they have not, nor ever had where Kings were *Kings* indeed and not in name only, as the *Spartan* Kings were) he hath this (I say) to say for himself, that what he positively affirms afterwards, that such *Magistrates* or such *Assemblies* may and ought to do for the restraining and curbing of Kings, was only upon supposition that they were legally invested with the same Power over their respective Kings, as the *Ephori* were legally invested with over the Kings of *Lacedæmon*: which if it be not true (as he that saith but *perhaps* it is, doth thereby grant that *perhaps* it is not neither) then is not he chargeable with that which follows; namely, with this Opinion or Doctrine, that such *popular Magistrates* (as he calls them) or such representative *Assemblies* of the People might and ought to do what the *Ephori* did. And thus these two little Adverbs *Fortè* and *Ferè*, *perhaps* and *almost* do (as the *Proverb* saith) *save many a Lye*, and are of great use to insinuate that unto others as true, which we are not sure of our selves;

The three Estates have no such Power, as he supposeth.

Perhaps, a salvo for a Lye.

selves; as also for the bringing men off from being answerable for what they so warily and doubtfully affirm, if they be questioned for it and undeniably convinced of the fallshood of it.

And truly that Calvin himself did doubt, whether there were any such *Magistrates* in any of those Kingdoms he seems to speak of, that had such Power and Authority in relation to their Kings as the *Ephori* had in relation to the Kings of *Lacedæmon*; I make no doubt at all: and that not only in regard of his *Fortè*, perhaps, which I have already spoke of; but also because he gives us not so much as one Instance of the *ōk*, that there are any such *Magistrates*, nor one argument for the *dōk* of it, that there should be any such, either from Reason or from Authority either Divine or Humane, that is, from either any Example or Precept of Gods Law, or of any Humane Constitution in any Kingdom; though by saying (as he doth) that those *Populares Magistratus* are the *Tutores*, the Guardians or Defenders of the Peoples Liberty against the violence of Kings, *Dei Ordinatione* by the Ordinance of God, he seemeth to think that they are by Gods own appointment: which is very strange it should be so now, and was never so in the Kingdom of his own framing for his own People, for whom he professeth he had a greater kindness than for any other Nation; and therefore no doubt would have made such a provision for their security from being oppressed by their Kings, whom he foresaw would be such oppressors as many of them proved to be. But we see he did not. And therefore if there be any where such *Magistratus Populares* or *Tutelares Populi*, Guardians of the People, to protect the People against their Kings;

Calvin himself doubts, whether there be any such *Magistrates*, as he speaketh of.

No such *Magistrates*, by God's Ordinance.

The inconvenience and mischief of such Magistrates, if there were any such.

Kings; I conclude that it is not an *Ordinance of God* but an *Invention of man*, and such an invention as is likely to embroil States and Kingdoms in a *Civil War*, (which is the worst of Evils) rather than to preserve the publick peace and quiet by keeping fair quarter or a good correspondence betwixt King and People. For *quis custodiet ipsos Custodes*? Who shall take care of the Keepers of our Liberties themselves? For who shall secure either *King* or *People* from these securers of the People from the King? May not they be as *cruel*, as *covetous*, as *voluptuous*, as *self-seeking*, and every way as *careless* of the publick good as the worst of *Kings*? Nay, are they not more likely to be so? all of them having a divided Interest of their own from that of the Publick, and each of them from that of one another. Whereas the *Kings Interest*, (if he be a *King indeed* and not a titular King only) is one and the same with the *Publick*, both in regard of himself and of his Posterity also, if his Kingdom be *Hereditary*; and consequently if he do that which is best for himself, he must needs do that which is best for his People also; so that supposing him to be Wise for himself there will be no danger of his doing any thing wittingly and willingly that will endanger the Peace and Prosperity of his People: because that which will endanger theirs will endanger his own also. But supposing the *King*, for the present, as bad as bad may be, yet he may mend, or if he do not, he is mortal, and his successor may be better; or if not, yet at the worst, it is more tolerable to have *one* ill Governour in chief than *many*, and the worst of *Monarchies* is better than the best of *Oligarchies*; because it is easier to satisfy the lust, the cruelty, the avarice or any other inordinate appetite

petite of *one*, than of *many*; especially of many that have no body to controll them as the *Ephori* had not. And such it seems *Calvin* supposeth there are or ought to be in all Kingdoms: at least those that are his followers believe that to have been his meaning; namely, that though it be unlawful and damnable for *private Subjects* to resist the King or supreme Governour; yet it is not only lawful but laudable for such *Magistrates* as are supposed to be *Guardians* of the Peoples Liberties, *redigere Reges in ordinem*, to reduce their Kings, and that by force, (if it cannot be done otherwise) and to keep them within the bounds of Law and Equity according to their discretion.

And no doubt they were the followers of *Calvin*, whom *Grotius* speaks of when he says, *Inventi sunt nostro seculo viri, eruditi quidem illi, sed temporibus & locis nimium servientes, qui sibi primum (ita enim credo) deinde aliis persuaderent, ea quæ jam dicta sunt locum habere in privatis, non etiam in magistratibus inferioribus, quibus jus esse putant resistendi injuriis ejus, cujus summum est imperium, imò & peccare eos ni id faciant: Quæ opinio admittenda non est.* "There are men (saith he) in this age of ours (which was next to that of *Calvins*) learned indeed, but too much serving the times and places wherein they live, who having first been persuaded themselves, (for so I charitably believe) did afterwards persuade others that what I have before spoken of (meaning the unlawfulness of resisting of *Sovereigns* by their *Subjects*) is to be understood of *private men*, and not of *inferior Magistrates* also; whose Right they think it is to resist the injuries of him that hath the supreme

This opinion of Calvin and his Followers taxed by Grotius.

"Power; nay, that they sin if they do not. Which
 "opinion, saith he, is not to be admitted; he
 might have said, is to be detested, as being such a
 ρίζα πικρίας such a root of bitterness, as ἀνω φύσας,
 when it springs up, will ἐνοχλεῖν τὰ πάντα, turn all
 up-side down, wheresoever it is admitted.

Heb 12. 15.
 His reason for
 it.

Nam Magistratus illi inferiorum quidem ratione habitati sunt publicæ personæ, ac superiores si considerentur privati sunt. *Grotius de jure Belli & Pacis. l. 1. cap. 4. sect. 6.*

But what was *Grotius* his reason, why this opinion was not to be admitted? Why because, saith he, though those *Magistrates* are in relation to their Inferiors publick Officers, yet in relation to their Superiors they are but private Persons, especially in relation to the *Supreme*; from whom all inferior *Magistrates* derive their Power. And yet they were such *Magistrates* who drove their Bishop out of *Geneva*, who was their Prince, their Sovereign Prince, as well as their Bishop, before *Calvin* came thither indeed, but I do not find that ever he blamed them for it.

Another passage
 of *Grotius*,
 wherein he al-
 lows resistance
 of Kings.

But doth not *Grotius* himself allow of the resisting of *Kings* by their *Subjects* in several Cases? Yes, he doth so, but not without contradicting himself, and the Apostolical Doctrine and Practise in one of them, as I have already observed, and as to the rest I have spoken already also, excepting the last but one of them only. And that is, when the King

Si Rex habeat partem summi Imperii, partem alteram populus aut senatus; Regi in partem non suam involant, vi justè opponi poterit quia eatenus Imperium non habet: quod locum habere censeo, etiam si dictum sit belli potestatem penes Regem fore:

hath but a part of the Sovereignty, and the People or the Senate hath a part of it also; for then (saith he) if the King invade that part which is not his, or which doth not belong to him, he may justly be resisted; because as to that his Power doth not extend:

extend: which (saith he) I do think may be truly affirmed though the Power of the Sword or of making War be said to be in the King; for that is to be understood in relation to a foreign War only. Whereas otherwise whosoever hath a part of the Sovereignty cannot but have a right to defend his part of the Sovereignty, whereby it may so happen that the King may by the Law of Arms lose that which was his own part of the Sovereignty.

I have set down this passage of *Grotius* both in his own words and mine at the full length, because it is upon *Grotius's* supposition and resolution in this case, that Mr. *Baxter* grounds the justice of the *Parliaments* War against the *King*, and the injustice of the *Kings* against the *Parliament*; and that with so great a confidence that he saith he is willing to forfeit his head if he be disproved in either. We will therefore, *First*, Examine whether there can be such a Case as *Grotius* supposeth or no; *Secondly*, If there be such a Case, Whether that be the case in *England*, as Mr. *Baxter* saith it is.

id enim de Bello externo intelligendum est, cum alioqui quisquis Imperii summi partem habeat, non possit non habere eam partem tuendi potestatem, quod ubi fit potest Rex suam Imperii partem belli jure amittere. *Grot. Ibid.*

This passage the ground of Mr. B's justifying the late War.

C H A P. VII.

The Case, which Grotius supposeth, not possible. The Sovereignty not to be divided. Instances in the Roman Empire. A King conditionally elected, no King indeed, but in Title only. In all the changes of the Roman State, no division of the Sovereignty.

No such Case
possible, as Gro-
tius supposeth.

Sovereignty in-
divisible.

AND first as to the first of these Particulars (I mean the *Supposition* it self) namely the *Division of the Sovereignty* or *Supreme Power*; the very possibility whereof, that there should be such a thing in any Body Politick whatsoever, seems to be a contradiction *in terminis* in down-right terms, to what *Grotius* himself affirms to be an inseparable property of Sovereignty; namely, that it is *quid per se indivisum*, a thing of it self undivided, and by *quid per se indivisum* a thing of it self undivided, he must needs mean *id quod sua natura est indivisibile*, that which in its own nature is indivisible, or something that cannot be divided; because otherwise to say that Sovereignty or Supreme Power *est quid per se indivisum*, is a thing of it self undivided, should not distinguish it from any other subordinate Power which may be *actu* or *per accidens indivisum*, actually or by accident undivided, though *potentiâ* and *per se* potentially or of it self it may be divisible into never so many parts or particles. Now if *Sovereignty* be (as according to *Grotius* it is) *per se indivisum quid*, a thing of it self undivided, or *sua natura indivisibile*,

indivisible, that which in its own nature is indivisible. I cannot see with what congruity of reason it can be said to be divided, as *Grotius* in the very same period saith it may be, *sive per partes potentiales sive subjectivas*, either by its potential or its subjective parts. For as for that division of the **Roman Empire** *per partes subjectivas*, by its subjective parts; when the *Eastern* part of it was governed by one and the *Western* by another, and the *Northern* perhaps by a third, as it was by the three Sons of *Constantine*, there was indeed a division of the *Empire* and a fatal one it was, but there was no division of *Sovereignty*; for every one of the three was a *Sovereign* in his own part or portion of the *Empire*, just so as during the *Heptarchy* of the *Saxon Kings* here in *England*, the *Island* was divided into seven several *Governments*, but every one of the seven was a *Monarchy* and had a *Sovereign* of its own independent upon any of the other, so that there was then no more a division of *Sovereignty* than there was afterwards when *Edgar* became *Monarch* of the whole *Island*, or than there is now by the addition of the *Kingdom* of *Scotland* and *Ireland* to it.

The division of the Roman Empire, no division of Sovereignty.

Our English Heptarchy such.

I know the *Roman Emperors* did sometimes *assume sibi socios in imperio*, take to themselves partners or companions in the *Empire*; but then the *Sovereignty* was either wholly and jointly in both of them, as it was in the two *Consuls* after the expulsion of the *Kings*, or as it is in the whole *Venetian Senate* at this day: or else he whom the *Emperor* assumed as his companion in the *Empire* was thereby designed only to be his *Successor*, as the *King* of the *Romans* is now in *Germany*, but continued a *Subject* and subordinate to him that assumed or adopted him,

Partners in the Empire, upon what account.

as

The Bishop of Winton's Vindication

as long as he lived. So that in this case there was no division of the Sovereignty it self no more than in the former.

*The Case, when
a King is con-
ditionally el-
ected.*

And much less can there be said to be a division of the Sovereignty *per partes potenciales* by its potential parts (as *Grotius* saith they are called) when a People that is *sui juris Regem eligens, quosdam actus (scilicet potentia) sibi servet, alios autem Regi deferat*, that is, when a free People in chusing themselves a King reserve some Acts of Power to themselves as well as they give others to their King; *neque tamen id fit quotiescunque Rex promissis quibusdamque obligatur*, but I would not have this (saith he) to be understood to be the case when Kings are obliged or oblige themselves by certain promises only; (mark that *Mr. Baxter*,) *sed tunc id fieri intelligendum est, si quid Populus adhuc liber futuro Regi imperet per modum manentis Præcepti, aut si quid sit additum Regem cogi aut puniri posse.* "But this" (saith he) that is, this division of Sovereignty, "*per partes potenciales* by its potential parts or acts" "of Power, is to be understood when the People" "being as yet free enjoin their King that shall" "be (and that by a standing Law or Precept which" "they will have always to be continued in force)" "to do or not to do this or that; or if any thing be" "added to imply that the King may be or is to be" "compelled or punished if he do otherwise. Then or in this Case *Grotius* seems to think there is a division of the Sovereignty it self betwixt the King (so conditionally elected) and the People so magistrerially electing him. And upon this not only false but (*pace tanti viri dixerim*, let me speak it by favour and with leave of so great a man as he was) in my opinion

opinion absurd supposition he adds, that in this case the People may not only defend by force their own part of the Sovereignty if the King invade it, but jure belli by right of War, take away his part also, if they overcome him in the Contest. Which perhaps may be true upon the supposition of such a *division of the Sovereign Power*, or rather (to say the truth) upon supposition of such a **conditional Election** made by the People of such a Magistrate as shall have the title of King and be entrusted with the managery of some part of the publick affairs either of War or Peace, but so as to be accountable to the People or to some judicatory appointed by the People, whether he hath kept or exceeded the bounds and limits of his delegated Power and Authority or no, and if he have, to be liable not only to the forfeiture of it, but to be punished for it also.

And what is this but to be such a King as those of *Sparta* were? who as *Grotius* himself tells us were not Kings indeed, but in name and title only; because indeed (as he tells us also) they were subject to the People or to the Judicatory of the *Ephori* appointed by the People by whom, *si peccarent Reges illi in leges ac Rempublicam non tantum vi repelli poterant, sed si opus sit puniri morte, quod Pausania Lacedæmoniorum Regi contigit*; and therefore (saith he) those Kings (and consequently, say I, "all such Kings as those) if they offended against the Laws "or against the Commonwealth they might not only "be resisted by force, but if need were punished by "death, as *Pausanias* one of their Kings was. And this he affirms to be the case of *omnium Principum qui sub Populo sunt*, of all Princes who are under the People; and if they be under the People, they cannot be

A King thus Elected, a King in title only.

No division of
the Sovereignty
in this Case, as
being wholly in
the People.

be over the People too, but the People must needs be over and above or superior unto them. And then how can *Grotius* rationally or consistently with himself say there is a division of the *Sovereignty* or of the supreme Power betwixt such a People and such Kings as these are? He might as well have said that the *Sovereignty* is divided betwixt the *King* and the *General* of his Army by Land or the *Admiral* of his Fleet by Sea or the *Vice-Roy* of any of his Provinces; for as the King reserves the whole *Sovereignty* or supreme Power unto himself, how great soever the Title or Power is which he delegates unto others: so in the aforesaid case put by *Grotius* the People retained the whole *Sovereignty* unto themselves, notwithstanding any Power or Title they are pleased to give to him whom they chuse to be their King.

Grotius inconsistent with himself.

And this *Grotius* knew well enough, as appears by the *inconsistency* of what he saith in this place with what he saith in others, and especially by the *inconsistency* of his supposing that to be actually divided which he had formerly affirmed to be *per se indivisum* or in its own nature indivisible, I mean *Sovereignty* or the supreme Power in every Body Politick, of what kind or denomination soever, whether it be *in personâ* in a single Person, or *in Cetu* in a Company or Assembly of men; for it cannot be partly in the one and partly in the other, nor ever was, no not in the *Roman State* it self which had many *Changes* Indeed but never any *Division* of the *Sovereignty* betwixt the governing and the governed party in any one of them. For as, when the *Kings* governed, the *Sovereignty* was all of it in them; and none of it either in the *Senate* or in the *People*; so was it afterwards wholly in the two first *Consuls*, and

An account of
the changes in
the Roman
state: in none
of which ever
any Division of
the Sovereignty.

and after that in the *Consuls* and the *Senate*; then for a short time in the *Decemviri*, and in none besides them; and often when they were in very great danger and extremity the *Sovereignty* was wholly in one man only, whom though they did not call a *King*, yet never any *King* was more or perhaps so much a *Sovereign* as he was, or had the supreme Power in a higher or so high a degree as he had; and therefore he was emphatically called a *Dictator*, because *eius dictum erat pro lege*; his word was a Law as well to the *Senate* as to the *People*, and as well to the *People* as to the *Senate*; and this Government, though by the first institution it was but to continue six months at a time, yet when *Julius Caesar* got it, he made it perpetual, and so became the first of the last sort of Governours in the *Roman State* who from him were called *Cæsares*, and might have been called *Dictatores* also, as well as *Cæsares* and *Imperatores*; for they had always the same Power which the *Dictators* before *Julius Caesar* had but for a time only; of the last of whom before himself (who was *Sylla*) *Cæsar* scoffingly was wont to say *Scylla nescivit dictare*, that *Sylla* did not know how to dictate or act the *Dictator*, because he had laid down the *Dictatorship* when he might have kept it, and consequently of a *Sovereign* became a *Subject*.

But as the Government by *Dictators* in *Rome* before *Cæsar* was but temporary and extraordinary; so was that of the *Decemviri* and the *Triumviri* also; and therefore to speak properly there were but three

The changes of Government in that State, but three, properly speaking.

Changes of the ordinary and standing Government in the *Roman State*, of which the first was *Monarchical* under the *Kings* into an *Aristocratical* under the *Consuls* and *Senate*; the second from *Aristocratical* into

G g g

Demo-

*The Sovereignty
not divided all
the while.*

*The Senate not
Co-partners in
it with the Em-
peror, as Mr. B.
would have it.*

Democratical under the *People* and their *Tribunes*, and the third into *Monarchical* again under their *Emperors*. And as when the Government was *Aristocratical*, the whole *Sovereignty* was in the *Senate*, and as likewise when the Government was *Democratical*, the whole *Sovereignty* was in the *People*; so likewise when the Government was *Monarchical*, as it was first under their *Kings* and at last under their *Emperors*, the whole *Sovereignty* was in those *Kings* and *Emperors*. For though there was a *Senate* when there were *Emperors*, as well as when there were *Kings*, yet those *Senators* were not Partners in the *Sovereignty* with either of them, but Subjects to them both; though Mr. Baxter will needs have the *Senate* as well as the *Emperor* of *Rome* to be understood by St. Paul, when he saith, *Let every soul be Subject to the higher Powers*; as if the *Senate* then were not any of those that were to be subject to the *Emperor*, but of those that were to be obeyed as well as the *Emperor*, as being Co-partners with him in the *Sovereignty*. But perhaps Mr. Baxter had never heard of the *Lex Regia*, the Royal Law, whereby the whole Power of the *Senate* and *People* of *Rome* was transferred unto their *Emperors*; and so his ignorance of that particular might lead him into that error, though I believe he had something of design in it also; as namely from the supposition of such Co-partnership of *Sovereignty* in the *Roman Senate* with the *Emperor* of *Rome*, to infer the like Co-partnership of *Sovereignty* in the *Parliament* of *England* with our *King*; though very illogically, as shall be shewed hereafter.

C H A P. VIII.

The Low-Country War against the King of Spain, justified by Grotius, upon another account; in that the whole Sovereignty, he saith, was in the States, and King Philip had usurped it. Sovereignty is wholly, wherever it is, like the Soul in the Body.

I N the mean time I cannot chuse but think that *Grotius* had some design of his own to serve, when he supposeth there may be such a division of the Sovereignty betwixt such a Prince and such a People as he here speaks of; namely, when a free People in chusing one to be their King enjoin him by a standing and perpetual Law to be content with such a part or parcel of the Sovereignty, reserving to themselves the rest, which if he invades they may not only resist him by force, but, if they can, depose him also; which if *Grotius* can prove to have been the Case of the *United Provinces* when they took up Arms against the *King of Spain*, he thinks thereby to justify the War, which his Countrymen have for so many years together made and maintained against the aforesaid King; or at least to excuse himself and them, not having been *Rebels* against the *King of Spain*, because neither he was nor any of his Predecessors had been, their Sovereign, at least not their sole Sovereign; nor indeed (if what he says in his Book *de Antiquitate Reipublicæ Batavicæ* be true) not their Sovereign at all but their Subject rather. For the House of *Spain* (saith he) could have no more nor

Grotius his design in his supposed Division of the Sovereignty, to justify the Netherlands War against the King of Spain.

A Book of his,
wherein he
states the Case.

no other Right to the Sovereignty of the *United Provinces* and the rest of the *Netherlands* or *Low-Countries*, than they derived from the House of *Burgundy*, nor the House of *Burgundy* any more than what came to them by marrying with the Heirs of the several Princes of those respective *Provinces*, who could derive to their Husbands no more than was derived to them from their Parents; and that, as *Grotius* tells us in the afore said Book of his (which he Dedicates, *Illustrissimis Hollandiæ West-Frisiaque Ordinibus*, to the States of *Holland* and *West-Friezland*) was not the Sovereignty or supreme Power of any of those States and Provinces wherein they and their Husbands in their Right succeeded, because none of their Fathers nor Fore-Fathers, from the very beginning of Government in those Countries, (particularly of *Holland* and *West-Friezland*) which he reckons to have been more than a thousand and seven hundred years before his writing of that Book, had ever any of them the Sovereignty or supreme Power. For although some of them were at first called *Reges* (saith he) that is *Kings*, and some of them *Duces* or *Dukes*; yet had they no more Power than those who were afterwards called *Gravii* or *Comites*, *Graves* or *Counts*, and that was none of the Sovereignty or supreme Power, which was always *penes Ordines*, in the States, just so as now it is (saith *Grotius*) that is as it was at the very time when he writ that Book, which was in the time of *Grave Maurice*, or when *Maurice* Prince of *Orange* was *Grave* of *Holland* and *West-Friezland* and *Zealand* under the States of those Provinces, *quarum summa Potestas*, of which the Sovereignty or supreme Power, as it was then,

so (saith *Grotius*) it had been always before in the States, until the House of *Burgundy* did first secretly begin to undermine, and *Philip* the II. of *Spain* did afterwards openly and violently and injuriously invade and usurp the *Sovereignty* it self of those Countries, being Heir to them indeed, but not as *Sovereign*, but as *Grave* or *Count* only, the *Sovereignty* being still in the *States*, as it always had been. And upon this Usurpation of the *Sovereignty* by *Philip* of *Spain* (saith *Grotius*) it was that *Holland* and the rest of the *United Provinces* took Arms, and at length, *cum Philippum nec preces nec monita ad sanio-rem mentem revocare poterant*, when neither their intreaties nor admonitions could prevail with *Philip* to reduce him to a better mind, that is, to make him to be content with the same Power which his Predecessors (as *Graves*) had under the *States*: then (saith he) *Fœderatorum Populorum Ordines* the *States* of the *United Provinces*, *Pronunciavunt Philippum ob violatas Imperii leges ipso jure Principatu excidisse*, did pronounce or declare that *Philip* for violating the *Laws* of the *Government* had legally forfeited his Right to the *Principality* or *Graveship* which he formerly had under the respective *States* of those *Provinces*.

So that all that can be gathered out of this passage or indeed out of this whole Book of *Grotius* is but this, that he who invades the *Sovereign Power* whereunto he hath no Right, may not only be resisted by those that have the *Sovereign Power*; but may forfeit the Right, which he had before to any Office or Authority under them. Which though perhaps it may be enough to excuse the *United Provinces* from being *Rebels* against the King of *Spain*, and to justify the

He lodges the *Sovereignty* all along in the *States*, and makes *K. Philip* an usurper of it.

Lib. de Antiquitate Reipub. Batavica. cap. 7. page 49.

This, however it may perhaps justify his Countrymen, doth not reach the case in hand.

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the War they made against him; as likewise for their taking away the Hereditary Lands which he held of them and under them, (it being indeed as much and all that can be said to that purpose) yet by *Grotius* his favour it is not enough to justify what he saith in that before quoted place in his Book *de jure Belli & Pacis* (which was the occasion of this digression) namely, that either there may be such a division of the Sovereignty betwixt the King and Senate, or betwixt the King and the States of his Kingdom, as he there asserts; or that the States that are under the King may not only defend their part of the Power they derive from the King, against the King, but that the King may forfeit his part of the Sovereignty to Them by his invading of Theirs.

This further
made out.

For first in this Narrative of his for the justifying of the War made by the States of the United Provinces against the King of Spain, there is not a word of any division of the Sovereignty of any of those Provinces betwixt him and the States: but the Sovereignty or supreme Power is asserted to have always been and always is *de jure*, by right, in the States. Secondly, That by the Sovereignty or supreme Power he meant the whole Sovereignty or whole supreme Power, and not a part or the chief part of it only, it is evident; because he saith it was always the same that it was when he writ that Tract, which was when *Grave Maurice* was their General, in whose Fathers time when the Confederate States began to make War against the Spaniards, *Grotius* tells us that *ex eo tempore summa Ordinum Potestas, quam postremorum Principum licentia non parum obscuraverat, luci reddita palam effulsit*; from that time forward (saith he) the supreme Power or Sovereignty

The whole Sovereignty, he saith, was always in the States.

De Antiquitate
Reipub. Batav.
p. 52.

reignty of the States, which by Licence taken by the later of their Princes (he means the *Burgundians* lib. p. 49. and the *Spaniards*) had been much obscured (he doth not say wholly extinguished) being restored to its former lustre did openly shine forth; especially after the *Spaniard* had treated with them as *Sovereign and free Estates*, and acknowledged them to be so, and that he claimed no right to them or authority over them: which though *de facto* he did, *de jure* according to *Grotius* he ought not to have done before, because though he was King of *Spain*, he was no more King of those *Provinces*, than their *Duces* or first *Generals* were, who though they were then called *Kings*, yet *nihil manifestius est* (saith *Grotius*) *quàm Reges illos fuisse vel Laconicos nomine solo, reverà ipsà nihil nisi optimatum primos*; "There is nothing more manifest (saith he) than that those Kings were just such Kings as those of the *Lacedæmonians*, that is, Kings in name only; but really and indeed no more than the chief of the *Optimates* or the Nobility; as he that was called *Princeps Senatûs* was in *Rome*, whilst it was an *Aristocracy*, or as the *Duke of Venice* or the *Prince of Orange* now is. Their Kings but Titular.

So that if a *People*, who in chusing of a *King* (whom they may chuse whether They will chuse or no) reserve to themselves but a part of the *Sovereignty*, may justly resist their King if he invade that part which they have reserved to themselves, and in case they prove too hard for him take away that part of the *Sovereignty* from him, which they had before given him (as *Grotius* supposeth they may) then *à fortiori*, with much more reason, those that reserve the *whole Sovereignty* to themselves (as

Grotius,

The States, according to Grotius, in their war with the King of Spain, did but recover what was their own before.

Grotius tells us the States did) may justly do what they can to maintain it, or to recover it from any that shall attempt to take it from them; especially from any one that is employed by them, and under them, how great soever his employment may be, or by what name or title soever they be dignified or distinguished from the rest of their ordinary Subjects: And this saith Grotius was the case betwixt the States of the United Provinces and the King of Spain as he stood related to those Provinces, when they first took up Arms against him to regain what was their own before, when it was usurped by him; and when afterwards to secure it for the future they took away from him that to which before he had by inheritance a just right and title to, I mean, the Prerogative of being their Grave or their chief Magistrate though not their Sovereign. And consequently the Premises (*quorum penes sit Authorem fides*, let our Author answer for that) being supposed to be true, that War of the *Hollanders* against the *Spaniard* upon that account could be no *Rebellion*.

upon these grounds, if true, that War no Rebellion.

Be it so, *Non equidem invideo, nec repugno*, I for my part am not sorry for it, nor do I gain-say it; but rather I am glad there is so much to be said for any of the reformed Religion to justify their taking up Arms; and I wish there were as much to be said for the Protestants in France and for all other both Lutherans and Calvinists in all other places; namely that the Reformation in Religion had been made in every one of the several Countries and Cities by those that had the Sovereignty, as Grotius saith it was in the United Provinces, and as we are sure it was in England, and where we are sure the Sovereignty is all of it in the King, as it is in all Kings that are Kings

Kings indeed and not in title or name only; as all those *Kings* are, saith *Grotius*, *qui subsumt Populo*, who are under the People. From which one saying of *Grotius* I think we may conclude, that there neither is nor can be any *division of the Sovereignty* betwixt the *King* and the *People*, as he supposeth there may be; for in all *Kingdoms* whatsoever whether properly or improperly so called the *King* doth either *subesse populo*, is under the People, and then the *Sovereignty* is wholly in the *People*, and none of it in the *King*, what Power or Authority soever is delegated unto him by the People; especially if it be delegated *sub conditione & pænâ*, conditionally and upon penalty of forfeiture or any other punishment: or else the *Populus*, that is, all or the whole body of the People doth *subesse Regi*, is under the King, and then the *Sovereignty* is wholly in the *King*, what privileges or immunities soever he may grant to all or any of his *Subjects*, or however he may oblige himself by promise or oath to govern them according to the *Laws* of his own or Predecessors making. So that the *Sovereignty* must either be wholly in the *People*, and then he that is called a *King*, is indeed *no King*; or it must be wholly in the *King*, and then the *People* have nothing to do with it, or with any part of it: *Sovereignty* being such a thing in the *Body Politick*, as the *Soul* is in the *Body Natural*. For as the *Soul* animates or enlivens the whole *Body Natural*, not by being some of it, or some part of it, in one member, and some part of it in another, but by being (as the *Philosopher* saith it is) *tota in toto & tota in quâlibet parte*, by being all of it in all and in every one of the members, according to their

The Sovereignty of necessity either wholly in the People or wholly in the King.

Sovereignty or the Supreme Power is that in the Body Politick, which the Soul is in the natural Body.

several capacities of receiving the several influences and operations of it, in order to the preservation of the whole Body Natural: so *Sovereignty* or the supreme Power, wheresoever or in whomsoever it is, it is that which animates and enlivens and actuates the whole *Body Politick*, but not by being it self divided; but by dividing and deriving its influences into all and every part of the whole Body Politick, as the *Sun* doth its light by the dispersing of its beams or heat into and over the whole World and all the several parts of it, though it self in the mean time remains wholly and entirely in its own Orb.

C H A P. IX.

Grotius his Case hath no place in the English Monarchy, where the King is sole Sovereign. The Parliament never declared otherwise, (as Mr. B. saith they did) but owned him ever to be so in their Addresses. Sovereignty intitles to Majesty.

No such division of the Sovereignty in England.

If England a Monarchy, as it is, the King sole Sovereign.

BUT supposing (though not granting) there may be and hath been somewhere or other such a division of the *Sovereignty* betwixt King and People as *Grotius* supposeth; yet it is certain there is none such here in England: for if *ENGLAND* be a *Monarchy*, then (saith Mr. *Baxter* himself) the whole *Sovereignty* must be but in *One* only, and if but in one I hope by that *One* he means the King and not the Pope, though some of his Parasites will have him to be the *Monarch* of the whole *Christian*.

gian World in general; and though he lays claim to the *Monarchy of England* in particular as held in Fee of him ever since King *John* surrendered the *Sovereignty* thereof to his *Holiness*. But Mr. *Baxter*, I am sure, is not so much a *Papist*, (though in some especially of their *Political* opinions he doth symbolize with them) as to acknowledg the *Pope* to be his *Sovereign*, for then neither he nor his *σύμφωνοι*, those that are *like-minded*, could be (as they fain would be) every one a *Pope* in his own *Parish*; neither do I think he is yet so far gone in *Fanaticism*, as that by the *King*, whom he grants to be the *sole Sovereign* in a *Monarchy*, he meaneth no other King but *King Jesus*; as the *fifth Monarchy-men* do here in *England*, and the *Presbyterian Whigs* do in *Scotland*. No, I do willingly absolve Mr. *Baxter* from being guilty of either of these extravagant absurdities; but that which I charge Mr. *Baxter* with is this, that he denies *England* to be a *Monarchy*, and consequently that the *whole Sovereignty* thereof is in the *King*, though he himself hath sworn it is so, when he took the *Oath of Supremacy* as I am sure he did or ought to have done when he was *Episcopally Ordained* as he saith he was; but it seems he hath better studied the point since or is more enlightened than he was then: Or perhaps the *Parliament* had not then, or he had not heard they had declared this *Government* of ours to be no *Monarchy* but a *mixed Government*, because the *Sovereignty* was not in the *King alone*, but in the *King and Parliament*, that is partly in the *King*, and partly in themselves. But when and what these *Parliaments* were, or how and when and to whom they made such a *Declaration* he doth not vouchsafe to tell us, which

Both which Mr. B. denies, though sworn by him at his Ordination.

The Parliaments pretended Declaration about it, inquired after.

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No such Declaration to be heard of, from any Parliament.

The House of Commons, which with Mr. B. gets for the Parliament, how Representatives of the People.

is an uncivil neglect of his Readers if he *can*, and an impudent slandering of the *King* and both Houses of *Parliament* if he *cannot*; I say of the *King* and both Houses of *Parliament*, because it is the *King* and both Houses that constitute a *Parliament*, the *King* as the Head and the *two Houses* as the representative Body of the People: and he may as well and as properly call that *Corpus integrum* or a compleat Body that hath no Head, as call *either* or *both* of the Houses a *Parliament* without the *King*. Now I would fain learn of Mr. *Baxter*, when any *Parliament* properly so called, that is, the *King Lords and Commons* did ever declare this Kingdom to be no *Monarchy* or that the *Sovereignty* or supreme Power was not *wholly* in the *King*? Nay, taking the *two Houses* without the *King* or a Commissioner for the *King* to be a *Parliament*, as after the *King* left them or rather after they had driven the *King* away from them, they falsely pretended themselves to be; taking, I say, the *Parliament* in this notion for the *two Houses* only without the *King*, did ever the *two Houses* declare the Government of *England* according to the legal constitution of it to be no *Monarchy*? or that the *Sovereignty* or supreme Power was not in the *King*? I confess I never heard they did so, I mean by any conjunct *Declaration* or by any concurring *Vote* of both Houses, no nor so much as by the single *Vote* of the *House of Commons*, which being but one and the lower of the *two Houses*, and who are always uncovered at their *Conferences* with the *Lords*, are very often by Mr. *Baxter* called the *Parliament*, because as he saith they are the *Representatives* or *Trustees* of the *People of England*; whereas indeed they are the *Representatives* and *Trustees*.

sees not of the **People** but of the **Commons** of *England* only, unless he will say that the *Nobility* and *Clergy*, or at least the *Lords Spiritual* and *Temporal* are none of the *People of England*; for surely they are not represented by the *House of Commons*. And therefore if Mr. *Baxter* were to speak of it in *Latin* I think he would not (I am sure he should not) call it by the name of *Domus Populi*, the House of the *People*, but *Domus Plebis*, the House of the *Commonalty*, or as I think the *Lawyers* call it by the name of *Domus Communium*, the House of *Commons*. I am sure *Livy* (who knew how to call things in *Latin* by their proper names as well as any man does now) tells us that in a contest betwixt a *Consul* and a *Tribune*, the *Tribune* bearing himself high upon the account of his Office; the *Consul* said, *Scias te non Populi sed Plebis Romane Magistratum esse*, You must know, Sir, that you are an Officer, not of the *People*, but of the *Commonalty of Rome*.

And yet this may be said in excuse of Mr. *Baxter's* mistake when he calls them the *Representatives of the People*, that he saith no more of them than the *House of Commons*, which he means, said of it self; for to the four first that Preached before them (of whom I my self was one) they gave each of them a piece of Plate with this Inscription; *Donum Populi Anglicani*, the Gift of the *People of England*, (by order of the *House* no doubt) ingraven on it; which perhaps they meant not to be *Grammatically*, but *Prophetically* understood, that is to be understood of them not as they were then, but what they meant to be before they left sitting, and as we saw they were after they had put down the *Lords* as well

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Of Representa-
tives at last
they made them-
selves Lords
and Masters.

as the *King*, and made themselves the *High* and *Mighty States* of *England* and *Ireland*; and instead of *Representatives* and *Trustees* made themselves *Lords* and *Masters* of those that trusted them; until He whom they had trusted with their Forces made himself *Lord* and *Master* of them also; the People in the mean time (the *Free-born People* of *England*) having been made or rather having made themselves as arrant *Slaves* and *Vassals*, as ever any People were, unto them both.

But to return to what I was speaking of; I do not find (I say) that any *Parliament* properly so called, that is the *King* *Lords* and *Commons*, or that *both* or *either* of the *two Houses* jointly or severally did ever *declare* or vote the *Kingdom* of *England* to be no *Monarchy*, or that the *King* of *England* was not the *Sovereign* and *sole Sovereign* of and in this and all other his *Kingdoms* and *Dominions*.

In their Ad-
dresses they al-
ways acknow-
ledged the *King*
their *Sovereign*.

On the contrary I find that in all the *Addresses* made to the *King* as well by *both Houses* jointly as by *either* of them severally, from the beginning of the War to the end of it, they always acknowledged the *King* to be their *Sovereign*, and themselves (even in their publick and *Parliamentary capacity*) to be his *Subjects*. And if in their *Parliamentary* notion and capacity they were his *Subjects*, I wonder in what notion or capacity they can be said to be *Partners* or partakers with him in the *Sovereignty*.

If the two Hou-
ses (either or
both) have a
share in the So-
vereignty, they
would have a
title to Majesty
also.

Besides he that will have *either* or *both* of the *Houses* to have a part of the *Sovereignty* must allow them a Title to *Majesty* also. For *Majesty* and *Sovereignty* are *Termini Convertibiles*, convertible terms,

terms, as the *Houses* themselves confess, when they treat the *King* sometimes with the title of *Sovereign*, and sometimes with the title of *Majesty*, as signifying by both these Words but one and the same thing, namely the *Supremacy of Power* in the *King*. Now I would fain know of Mr. *Baxter*, whether if he were to Petition the House of *Lords* or the House of *Commons* or both of them, he would address it to their *Majesty* the House of *Lords*, or to their *Majesty* the House of *Commons*, or to their *Majesty* the *Lords and Commons* assembled in *Parliament*: if he did I believe he would be laught at for his *folly* by them, and perhaps punished for his *presumption* by the *King*. And yet if the *Sovereignty* be divided betwixt *Them* and the *King* (as he saith it is) I see no reason why the title of *Majesty* may not be given to *Them*, as well as to the *King*; or at least partly to *them*, and partly to *him*, though but proportionably to the division of the *Sovereignty* betwixt them; of which if the *Kings* part be greater than that of the House of *Lords*, and that of the House of *Lords* be greater than that of the House of *Commons* (which I am afraid Mr. *Baxter* will hardly allow,) then if *Majesty* be the proper attribute of *Sovereignty*, and *Excellent* a proper Epithet to *Majesty*, then (according to Mr. *Baxter's* distinctness of notion and expression) the style of the House of *Commons* should be Their *Excellent Majesty*, and the style of the House of *Lords* Their *More Excellent Majesty*, as well as the *Kings* style is His *Most Excellent Majesty*; and then there may be *Treason* against the House of *Lords*, or against the House of *Commons* as well as against the

the *King*, if *lesa Majestas*, the offending or injuring of Majesty be *Treason*; nay then we have *three Sovereigns* and not *one* only: for whosoever hath any share in the *Sovereignty* is a *Sovereign*; and then I wonder why we do not take an *Oath of Allegiance* to the *two Houses*, as well as to the *King*: nay, I wonder much more why they of both *Houses* do all of them take an *Oath of Allegiance* to the *King*, and cannot sit in either House till they do so. Surely one *Sovereign* doth not owe *Allegiance* to another, no not the least of *Sovereigns* to the greatest; for as all *Sovereigns*, the greatest as well as the least are equally under God, so the least as well as the greatest are equally under none but God, at least *quatenus* so far forth as they are *Sovereigns*, or in those things and places where and when they have a right to *Sovereignty* or to any part thereof.

CHAP. X.

The King declared by an Act of Parliament (in-
joyning the Oath of Supremacy) to be the only
Supreme Governour. Mr. B's sorry evasion of this
Oath, and Queen Elizabeths Declaration concern-
ing it.

BUT what need is there of making such Colle-
ctions or Inferences from the *Addresses* made
to the King from either or both Houses of Parlia-
ment with their full subscriptions thereunto, to
prove that they acknowledg the King to be their
Sovereign, their sole Sovereign, and themselves to be
his Subjects, his humble and loyal Subjects, even in
their Parliamentary capacity? for in that capacity it
was that they addressed themselves to him. What
need is there, I say, of insisting upon such more re-
mote though very pregnant and concluding proofs,
when several Parliaments properly so called, that is
Parliaments consisting of the head the King, and all
the integral members, that is, of the Lords Spiritu-
al as well as Temporal together with the House of
Commons, have in positive and expresse words, and
that not by a Vote, Order, or Ordinance, but by an
Act declared the King not only to be the Supreme
but the only Supreme Governour of this Realm
and of all other his Highnesses Dominions and Coun-
tries, and that as well in all Spiritual or Ecclesiastical
things and causes as temporal. These, I say, are the
very words of an Act of Parliament properly so

The King decla-
red to be the on-
ly Supreme Go-
vernour, by an
Act of Parlia-
ment.

To wit, by the
Act of Uniformity.

called, that is of a full and free, of a compleat and an intire *Parliament*, I mean the Act of *Uniformity*, wherein the *Parliament* doth not only declare its own sense and judgment concerning the *Kings sole Supremacy*, but prescribes an *Oath* to be taken by all that are to be admitted to teach the People, what they are to think of the King; I mean all that are to be admitted into *holy Orders*, whereby they are enjoyned to testifie and declare in their Conscience that the *King* is the *only Supreme Governour* of this Realm; and I hope Mr. *Baxter* hath more reverence for *Parliaments* than to say or think that the *Parliament* did enjoyn men to swear that which they did not themselves believe to be true, especially those of the House of *Commons*, who I think do all of them take the *Oath of Supremacy*.

H. C. 460.

And yet this so clear, so evident and so irrefragable a proof of the *Parliaments* acknowledgment of the *Kings sole Supremacy*, Mr. *Baxter* is pleas'd to slight as if it signified nothing, calling it a *sandy foundation*: for though he be pinched to the quick with this Argument, yet he makes as if he felt it not; and perceiving there was no help for him in *Logick* or *Metaphysicks*, he makes use of a figure in *Rhetorick*, which is either not to take notice of what they cannot answer, or if they cannot chuse but take notice of it, to slight or scoff at it, as if it were not worth the answering or taking notice of. And yet that he may not seem *absque omni ratione insanire*, to have no pretence or show of reason for his slighting or rejecting of it, he tells us that *this Oath was made in relation to Papists only*, and was enjoyned to be taken for the discovery of those that were suspected to be so.

Mr. B. flights
what he cannot
answer.

Ibid.

Surely

Surely if we look to the first enacting of that **Oath** and the primary or original cause of it, it was not for the distinguishing of *Papists* from *Protestants*; for they were *Papists* in *Henry the VIII's* time, and as great *Persecutors* of the *Protestants* as any were in those times, that compiled and consented to the enacting and enjoyning of that *Oath*; but it was to distinguish *Papists* from *Papists*, *Papists* that would from *Papists* that would not acknowledge the *Kings Supremacy*.

The Oath of Supremacy not made against Papists only, as he saith.

And for the same end and purpose, the same *Oath* was renewed in *Queen ELIZABETHS* time in the beginning of her *Reign* for the distinguishing of loyal from disloyal *Papists*, as appears by the reasons she gave why She did not impose that *Oath* upon any of the *Barons* or *House of Lords*, though many of them were then *Papists*, because she did not (as she said) make any doubt of their loyalty, but she caused it to be administered to the *Popish Prelates*, and other *Ecclesiasticks*, who had almost all of them (*plerisque omnibus* saith *Cambden*) taken it in her *Father's* time, but refusing it then were deprived of their spiritual promotions for so doing, lest they might teach the People to do so also, and perhaps do more than so; that is from denying her *Supremacy in Spirituals* to proceed to the denying of it in *Temporals* also, which we see they are now come to, not by their *Popish* but *Presbyterian Teachers*.

The use, Q. Elizabeth made of that Oath.

For preventing whereof and for obviating the scandalous interpretations that were made of it as that thereby she (the *Queen*) arrogated a Power unto her self *sacrâ in Ecclesiâ celebrandi*, of performing divine Offices in the Church, *Illa edito scripto* (saith *Cambden*) she published a *Declaration*, wherein she

She justified herself in it by a publick Declaration.

Camd. Eliz.
p. 39. 40.

affirms *se nihil aliud arrogare quam quod ad coronam Angliæ jam olim jure spectavit*; that she arrogated nothing to her self but what *anciently* belonged of right to the Crown of England: *Scilicet se sub Deo summam & supremam gubernationem & potestatem in omnes Regni Anglici Ordines (sive illi sunt Ecclesiastici sive Laici) habere: quodque nulla extranea potestas, ullam in eos jurisdictionem vel auctoritatem habeat aut habere debeat.* Namely, "that she under God "had the supreme Government and Power over all "orders of men in England whether *Ecclesiasticks* or "*Laicks* : and withal, that no foreign Power had "or ought to have any Jurisdiction or Authority "over any of them.

Three things observed from that Declaration of Hers.

From which Declaration published by that pious and prudent Prince it is observable, *First*, That the aforesaid Oath of Supremacy was intended by Her, as well for the asserting of her own Supremacy over all Orders of men in her own Kingdom in all their capacities, as it was for the disclaiming and renouncing any foreign Jurisdiction, that was or could be pretended or claimed over all or any of her Subjects in any capacity whatsoever.

Secondly, From this Declaration of Hers it is farther to be observed, that she will have her own Sovereignty and Supremacy in omnes Ordines Regni, over all Orders and Estates of men here at home, to be asserted and sworn to before they shall swear to disclaim and renounce all foreign Authority and Jurisdiction. And with very good reason; because it would have done her, and will do her Successors very little or rather no good at all, for their Subjects to renounce all Sovereignty from abroad, as long as they are taught or suffered to be taught that there are

are any other Sovereign or any other invested with any part of the Sovereignty here at home, but their Kings only.

Lastly, From the aforesaid Declaration we may observe also that the Queen by the Injunction of the Oath of Supremacy professeth to claim nothing to be acknowledged or sworn to, but what *de jure* and *jam olim*, what anciently and of right did belong to the Crown of England; and consequently that the Supremacy or Sovereignty over all Estates or Orders of men in England was from all Antiquity, that is (as I conceive) from the beginning of Monarchy or ever since there were Kings in England, and that not *ex dono Populi*, by gift of the People or compact with the People, but *jure* by right; and by what Right? not *jure Electionis* but *Hereditatis*, not by right of Election but of Succession, and *jure Coronæ*, by right of the Crown, as being inseparably annexed to the Crown, or rather inherent in the Crown; there being none (as I have already proved) that can properly be called a King or Crowned Head (whether by Succession or Election) but he must be the supreme and sole Sovereign, over all in his own Kingdom.

Which as to our Kings here in England, as it was acknowledged by those Parliaments that enacted the Oath of Supremacy before the War; so is it by the Act of Uniformity since the War, or since the Kings return, and consequently since the Crowns restoration to those Prerogatives, that are of right belonging to it; of which the Supremacy or Sovereignty over all in the Kingdom inclusively (as well as in relation to all without the Kingdom exclusively) is the chiefest. For if there be any either within

The Supremacy,
the chief Prerogative of the
Crown.

within or without the Kingdom either superior over him or equal to him, or partaker in any part of the Sovereignty with him, he cannot be said to be the only supreme Governour of this Realm, and of all other his Dominions and Countries, as by the Act of Uniformity those of the Kings Subjects that are to teach all the rest of their fellow Subjects are obliged not only to say but swear he is: nor is it so much as to be imagined that the King Lords and Commons would have obliged any to take such an Oath, if they themselves had not believed the whole subject matter of it to be true.

C H A P. XI.

The Oath of Supremacy further explained. The Kings being declared the sole supreme Governor, cuts off all pretence at home as well as foreign claim.

Two parts in the Oath of Supremacy; the one Assertory, the other Promissory.

In the Assertory part two Clauses, one Affirmative, the other Negative.

I say the whole subject matter of it, for there be evidently two several distinct parts of that Oath, both of which every one of them that takes it is equally obliged to swear unto; of which the first is *Assertory*, and the second *Promissory*. In the former he that swears asserts the Kings Sovereignty affirmatively, affirming him to have the sole supreme power over all Persons, in all Causes, within his Realms and Dominions, and then negatively by denying any foreign Power or any without his Dominions to have any Jurisdiction over any of his Subjects or to have any thing to do within his Dominions. And it is in regard of the latter of these two clauses only, that this Oath can be

be said to be enacted and imposed for the discovery and conviction of *Papists*, and that not of all *Papists* neither, but such *Papists* only as believe the *Pope* to have the supreme Power over all *Christians* in *Spiritu-als* at least, if not in *Temporals*, whose *Subjects* so-
 ever they may be in *Temporals*. But as to the for-
 mer of these two *Clauses* in the *Affertory* part of this *Oath* which affirms the *King* to be *sole Sovereign*, or that he is the *Only supreme Governour* in this *Realm*, it seems principally, if not wholly to be intended to assert the Government of this Kingdom to be *Monarchical* and to make it be acknowledged to be so.

The later Clause discovers Papists.

The former Clause asserts the Monarchy.

For by swearing that the *King* is the *only Supreme Governour of this Realm*, &c. they do virtually and by necessary consequence swear also that all other *Governours* within the *Realm*, as they do severally and jointly derive their Power of governing from him, so they are jointly as well as severally subordinate unto him, and therefore none of them either severally or jointly co-ordinate with him. Because, if any of them or all of them in any capacity were so, or believed by the Parliament to be so, the Parliament by enjoyning men to swear the *King* is the *only supreme Governour of this Realm*, must needs be chargeable with enjoyning Perjury, or which is worse, with compelling others to swear that to be truth which they themselves do not believe to be so; which cannot be avoided but by concluding that the *Injunction* of the *Oath of Supremacy* by Parliament is a Declaration of Parliament, that this Kingdom is a *Monarchy* properly so called, because the *Sovereignty* or *supreme Power* is in one *Person* only, namely in the *King*; and if in him only then in him wholly also.

what intended by swearing the King to be the only Supreme Governour.

And

The distinction,
which the Ru-
brick makes be-
twixt those two
Clauses.

Vid. The form
and manner of
making of Dea-
cons.

The first Clause
is called the
Oath.

The second is
rather an Abju-
ration.

And that this was the Parliaments meaning in prescribing and enjoyning that *Oath of Supremacy*, may farther and (if it be possible) more undeniably and demonstratively be made to appear, it is very observable that in the *Rubrick* prefixed before the Administration of that *Oath*, (which *Rubrick* is a part of the *Act of Parliament* as well as the *Oath* it self) it is said the Bishop shall cause **The Oath of the Kings Supremacy, And against the Power and Authority of all Foreign Potentates, &c.** to be administered, &c. It is observable (I say) that in the aforesaid *Rubrick* there is a clear and a very notable distinction made betwixt the two first Clauses of the *Affertory* part of the *Oath*, namely, betwixt the Clause affirming the King to be *the only supreme Governor of this Realm*, and the Clause denying any *foreign Prince, Person, Prelate, or Potentate*, to have any Jurisdiction, Power, Superiority or Authority Ecclesiastical or Spiritual within this Realm. The distinction (I say) by the *Rubrick* made betwixt the two Clauses is very notable; for it is the first of them only that is called by the *Rubrick* the *Oath of the Kings Supremacy*; whereas the latter is said to be *against the Power and Authority of all Foreign Potentates*, and therefore is more properly to be called an *Abjuration* than an *Oath*. And yet it is this *Abjuration* only that Mr. Baxter will have to be meant by the *Oath of Supremacy*; whereas this *abjuration* is not the *Oath of Supremacy* it self, but a *Deduction* only from the *Oath of Supremacy*. For because the King is the *only* supreme Governour of this Realm, therefore neither *Pope*, nor any other *foreign Prince, Prelate or Potentate* can claim or pretend to any *Supremacy* or part of *Supremacy*

Supremacy here in this Kingdom. So that he that can truly swear the one may safely *per modum sequelæ*, by way of consequence, swear the other also.

But though the truth of the *former* doth necessarily infer the truth of the *latter*, yet the truth of the *latter* doth not necessarily infer the truth of the *former*. For though it be never so true, and never so undoubtedly acknowledged to be so, that no *Foreigner* or none without the Realm of what quality or denomination soever, doth or can justly pretend to the supreme or any part of the *supreme Power* either *Civil* or *Ecclesiastical* here in *England*; yet supposing the *supreme Power* to be divided (as *Grotius* supposeth it may be in some Kingdoms, and Mr. *Baxter* saith it is here in this Kingdom) it will not follow I confess that the King *is*, or that the Parliament that made this *Act* and enjoyned this *Oath* to be taken, did thereby acknowledge the King to be, the only supreme Governour of this Realm. But the Parliament by injoyning the *Oath* to be taken, and those that take it not only *abjure* to abjure or forswear all foreign jurisdiction, but *jure* to swear positively and plainly, *That the King is the only supreme Governour of this Realm over all Persons* in all Cases and Capacities, do evidently declare that They themselves believe and acknowledg the King to be so, and consequently whatsoever *division* there may be of the *supreme Power* in other Kingdoms yet in this there is none.

For the first, the most immediate and most natural deduction from this Proposition, (*viz.*) *The King is the only supreme Governour of this Realm*, is the excluding all others in this Realm from having any thing to do with the supreme Go-

The Bishop of Winton's Vindication

vernment of it. And therefore the swearing to this Proposition alone is called by the *Rubrick* the taking of the *Oath* of the *Kings Supremacy*; the following abjuration of all *foreign Authorities*, being but a deduction and that not a primary but a secondary deduction from it.

And therefore 'tis a vain and senceless shift of *Mr. Baxter's* for the avoiding of the dint of this Argument, which doth *jugulum causa ferire*, cut the very throat of his cause, to say as he doth, *that the end of imposing and taking of this Oath was only for the excluding of all pretence to the Supremacy or to any part of the Supremacy here from abroad, and not for the acknowledging the Kings sole Supremacy here at home.* Whereas it is indeed the *Kings sole Supremacy here at home* that is (as it is called by the *Rubrick*) the *Oath of the Kings Supremacy*, and not the excluding of all *foreign* claim or pretence to it; which to speak properly (as *Mr. Baxter* saith he loves to do) is as I said before an *abjuration* rather than an *Oath*, or at most but the *negative* and *consequent* part of the *Oath*; the *affirmative* and *antecedent* part thereof being the assertion of the whole *supreme Power* in the Government of this Kingdom to be in the King and King only, and consequently exclusive of any pretence to it, or to any participation of it by any either *at home* or *abroad*, especially by any *at home*.

But why then, will *Mr. Baxter* perhaps say, was there not annexed to the *positive* part of this *Oath* an *abjuration* or express disowning the *supreme Power* or any part of the *supreme Power* to be in any *here at home*, besides the King, as well

The Kings being the only Supreme Governor, excludes all pretence to the Supremacy from any other, as well at home as abroad.

Why not an express abjuration of the Supremacies being in any at home, beside the King, as of its being in any abroad.

well as there is an abjuration or an expresse disowning of it to be in any *abroad*?

I answer because there was no need at all of it, The 1 Reason.
First, because he that hath sworn the *Supremacy* or supreme Power to be in the *King only*, hath *eo ipso* in that very thing, or by so swearing forsworn the being of it, or any part of it, in any other besides the *King*.

If it be replied, that upon this account there needed not have been any *abjuration* or disowning of any *foreign Authority* annexed to the other part of it neither.

I answer, *Secondly*, That although really there The 2 Reason.
 was no need of an *expresse* or *explicit* disowning or renouncing of the *one* more than the *other*, because the swearing to the positive part of the *Oath* is *implicitly* and *virtually* a disowning or renouncing of them both; yet because there had been antiently, and was then, and was like to be still, a claim to the *Supremacy* here in *England* (at least in matters *Spiritual* and *Ecclesiastical*) by some that were *abroad*, I mean by the *Pope* for himself and his Successors; therefore the Parliament thought it meet and prudent and in some respects necessary, to add or annex to the *Affertion* of the *Kings sole Supremacy* here *at home* an expresse and explicit *Renuntiation* of all the Right that was or could be pretended to it *from abroad*, but did not think it to be at all necessary to add or annex the like expresse or explicit renuntiation of any such Power to be in any here *at home*: because there was none then here at home so impudent as openly and avowedly to pretend to it, or to any part of it. For here are no *Ephori*, no Overseers or Guardians.

There is a claim to the Supremacy from abroad, no such pretence at home.

ans of the State, as there were in *Lacedæmon*, nor no such *Senate* as there is in *Venice*, nor no such *High and Mighty States* as there are in *Holland*. For we have but *One* high and mighty, and he is so high and mighty that there is none but the *Almighty* that is above him, and all others in his own Dominions, how much higher and mightier they may seem to be in relation to one another, are equally below him and subject to him.

C H A P. XII.

From the two Houses Petitioning the King, and his being free to grant or deny, is proved that there is no Co-ordination; beside the inconsistency of it with the Government.

A Pamphlet in the late times taxed, which makes the two Houses Co-ordinate with the King.

I know there was in the beginning of the late Rebellious times a *Discourse* written and published to make the foolish part of the World believe, (for with wise and considering men I am sure it could have no weight) that the *two Houses of Parliament* were *Co-ordinate with the King*, and consequently not *Subordinate* to the King in relation to the making and repealing of Laws, and the determining of all things of publick concernment for the Government of the Kingdom; and consequently that according to the nature of *Co-ordinates*, where all three could not, or would not, or did not agree, the *two* that did agree were to over-rule the *third* that did not.

An excellent project or expedient, as the deviser of it thought, to make a *Triumvirate* of a *Monarchy*, or a *Republick* of a *Kingdom*: but he did not consider that it was liable to one little inconvenience, namely that it was utterly and absolutely *unpracticable*, being altogether inconsistent with the fundamental Constitution of our Government; which is not to have the *two Houses of Parliament* always in being as the Senate of *Rome* was, and the Senate of *Venice* is, or to assemble and meet when and where they will and to continue as long together as they will, as (*Grotius* tells us) the *Ordines* or States of *Holland* of right did, even whilst They had a King. But our *Parliaments* here in *England* are so far from having always an actual, settled, and constant being, that they have no being at all, but what the King gives them by his *Writ of Summons*; neither can they assemble or meet but when he calls them, nor either depart sooner or continue longer together than he will have them; neither while they do (by his leave and command) continue together, have they any Power to make any *new Law* or to repeal any *old Law*, but only to pray, propose or advise the making of the one or the repealing of the other by the King.

The project of Co-ordination utterly inconsistent with our Government.

And this being so, (as undeniably it is so by the legal and fundamental Constitution of the Government) I wonder when and by what Authority it came to be alter'd. For supposing but not granting that a *Parliament* truly so called may make such a change in the fundamental Constitution of the Government, as to make an *Aristocracy* or a *Democracy* of a *Monarchy*, by the Monarchs own consent to it, (which I for my part think they cannot, the Monarch

The constitution the same now as ever.

The Bishop of Winton's Vindication

narch himself in an *Hereditary Monarchy* being but a *Trustee* for his *Succeffors*) but supposing (I say) such a change could be made by a *Parliament* properly so called, I demand when and by what *Parliament* such a *Change* was made, and whether the King did ever consent to it? if not, we are still where we were, whatsoever Power a legal or compleat *Parliament* may be said or imagined to have, and consequently there is not (as yet at least) any such *Co-ordination* of *King Lords and Commons*, as the Author of the *aforesaid* discourse pretended there is.

*The two Houses
Petitioning the
King a proof,
that there is no
Co-ordination.*

It is true indeed, that the *two Houses of Parliament* in the year 42 did *Petition* the King, that he would be pleased to grant such things as they proposed unto him; but hence it will not follow that he was bound to do so, nay thence it will follow that neither he nor any of his *Predecessors* were bound to do so: for then they that were the boldest in their demands that ever met and sate in *Parliament*, would have claimed it as of right and not *Petition'd* for it as they did; at least, if they had vouchsafed to have *Petition'd* for it, they would have called their *Petition* a *Petition of Right*, which they did not. So that by very *Petitioning* the King to grant those things, which they proposed as agreed on by *both Houses*, they acknowledged that the King was not bound by any Law, Custom, or Precedent from his *Predecessors* to consent to what *both Houses* had agreed on, and consequently that there was no such *Co-ordination* betwixt the *King, Lords and Commons*, by the fundamental Constitution of this Kingdom, as by the *aforesaid* Author was pretended to be.

*The King free to
grant or deny,
as he pleaseth.*

And therefore the King in his answer to the *Petition* of the *two Houses*, and the 19 *Propositions* which they

they pretend humbly to desire (but indeed peremptorily press) him to grant, tells them, *That to say he is obliged to pass all Laws that shall be offered unto him by both Houses, (howsoever his own Judgment and Conscience shall be unsatisfied with them) is to broach a new Doctrine, a point of Policy as proper for their present business, as destructive to all rights of Parliaments; adding that it was out of a strange shamelesness that they would forget (for sure there being so many Lawyers among them some of them could not chuse but remember it) a Clause in a Law still in force made in the second year of King Henry the V. wherein both Houses of Parliament acknowledg that it is of the Kings Regality to grant or deny such of their Petitions as pleaseth himself.*

And if it were so, and acknowledged by both Houses of Parliament to be so in Henry the V's time, I would fain know in what Kings Reign, or by what Kings consent that *Act* or the aforesaid Clause in that *Act*, which was in force so lately, comes to be repeal'd, or whether any Law or *Act* of Parliament can be either made or repealed without the Kings consent.

C H A P. XIII.

An Ordinance of both Houses, no Law; and consequently no legal Authority for the late War against the King. The Militia or the Power of the Sword, acknowledged by the two Houses themselves to be in the King. A Sermon of Arch-Bishop Ushers in the Isle of Wight Preached to the same Purpose.

NOT a Law perhaps (may Mr. Baxter say) properly so called, but an **Ordinance** of both Houses may, and that without the Kings consent to it, nay notwithstanding the Kings declaring and protesting against it, oblige all the People of England to do or not to do what the two Houses will have them, as much as any Law consented to by the King ever did or can do; nay, and may repeal any Law made by the King, by the advice and with the consent of both Houses, any Law or Custom to the contrary in any wise notwithstanding.

But *per quam Regulam*, by what Rule, Mr. Baxter? By what Law of God or man can this be done? Why, by an Ordinance of both Houses, which is equivalent at least to an Act of Parliament properly so called; and so it had need to be, Mr. Baxter, and more too, to warrant the doing of such things; such horrible mischiefs and Villanies as have been done against God by *Sacriledg*, against the King by *Rebellion*, and by Subjects against their fellow Subjects by *plundering*, and *imprisoning*, and *murdering* one another, of which side soever they were; for all will

*An Ordinance
of both Houses,
with Mr. B.
equivalent to an
Act of Parlia-
ment.*

will be put to the account of them that had no authority, I mean no legal and just *Authority*, to warrant them to do what they did. And therefore Mr. *Baxter*, you were best be very sure that the *two Houses* had *Authority* to make such a *War* as they did, not only without Commission from the King, but against the King, and to engage you and by you to engage so many thousands as you say they did in it. You were best I say be very sure of it; for it is not your *head* or your *neck* only which you say you are willing to hazard upon that account, but your *soul* it self, and the Everlasting Woe or Welfare of it, that lies at stake for it. Be not deceiv'd, God is not to be mocked: It is not the *Confederacy* of the *two Houses*, it is not the *Covenanting* of the *two Nations*, that can justify either their commanding, or their being obeyed in any thing which God hath forbidden or not allowed them to command or to be obeyed in by some *known Law* of his own or of the Land; neither of which I am sure can be produced by them.

No legal Authority for the late War against the King.

Moreover it is not the *redressing of Grievances* (had they been as many or more and as great or greater than the *House of Commons* in their virulent and malicious *Remonstrance* to the People represented them to be) nor the *Reformation of Religion* (though there had been much more need of it than there was) no nor the truly *intending* (as well as *pretending*) never so good, or never so necessary an *End* for the *publick Good* either spiritual or temporal of the whole Nation, that can justify the *Means* they made use of, if they had not *Authority* to make use of them: I mean in their taking of the Sword out of the Kings hands, where the *Law of God* and of

Nor can any pretence justify it.

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the *Land* had placed it, and taking it into their own notwithstanding Gods and mans Law to the contrary.

Mr. B. himself
appeal'd to.

Holy Com-w.
p. 441.

For the proof of the *first* part of which Assertion of mine I appeal to Mr. *Baxter* himself; for amongst his many false, and impious, and pernicious *Apophisms*, he hath this true one, *that it is not lawful for a Nation to fight for the preservation of their Religion, or their worldly goods and liberties, without just authority and licence*: Whereunto he adds by way of exposition and illustration of his meaning, "That it is
"but a delusory course of some in these times that
"write many Volumes to prove, that Subjects may
"not bear Arms against their Princes for *Religion*;
"as if those that were against them did think that
"*Religion* only as the end, yea, or *Life* or *Liberty*
"would justifie *Rebellion*, or that the *Efficient Authority*
"the Cause were not necessary as well as the
"*Final*. Where bearing Arms against Princes is
"warrantable *quoad fundamentum*, as to the ground
"of it, this will warrant it *quoad finem*, as to the
"end of it. A good End must have a good Ground.
Again, for proof of the *latter* part of my Assertion; namely, that the *Sword* or the Power of making War was by Law in the Kings hand, and not in theirs, I appeal to the Acknowledgment of the *two Houses* themselves, who after they had settled the *Militia* before the War was actually begun, yet knowing and being conscious to themselves that they had done it illegally and by usurpation of the *Kings Authority* without any Commission or leave from him for the doing of it, they make it one of the 19 *Propositions* they sent to the King when he was at *York* in the year 42. That his Majesty would be pleased to rest satisfied with that course that the Lords and the House of Commons

The two Houses
themselves ac-
knowledge the
power of the
Sword to be in
the King.

Commons have appointed for the ordering of the Militia until the same shall be farther settled by a Bill: by which Proposition they do plainly confess, *First*, That they had taken the Sword, by having ordered the Militia of the Kingdom. *Secondly*, That they had no Commission or leave from the King for it, by saying it was done by their own appointment. *Thirdly*, That they knew they had intrenched upon his Authority by so doing. Why else should they desire his Majesty would be pleased to rest satisfied with what they had done in that particular at least pro tempore at the present, until the same (that is the ordering of the Militia) should be farther settled by Bill. Whereby, *Fourthly*, They confess that the Power of settling it, and consequently of making any use of it, was not in them as yet by Law, until by a Bill consented to by the King it were made a Law; and consequently that the Ordinances of both Houses as they call'd them, did not nor could not make any thing they ordered to be done, legal or obligatory to the whole Nation. And hence or from this consciousness of the insufficiency of their own Authority to justify either before God or the World the lawfulness of doing what they had done and meant to do, it was that they so earnestly and so often press'd the King to pass their Ordinances into Acts. For though they did what they could to make the poor deluded People believe that their Ordinances were as legal, as valid, and as obligatory as Acts, for the draining of their Purses and exposing of their Persons; yet by their being so desirous as they were, (even after their victory and when the King was their Prisoner) to legitimate their spurious Ordinances by turning them into Acts, it is evident

Some Remarks upon that acknowledgment.

The invalidity of their Ordinances made out.

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they did not themselves believe what they and their Preachers made the People to believe concerning the validity of any of those *Ordinances*, especially that for *taking up of Arms*; as if the Power of the Sword and ordering of the *Militia* of the Kingdom to fight for whom and against whom they pleased, and upon what account they pleased, had been in them: which by what I have said it doth not only appear it was not, but that they knew it was not, but was and always had been in the *Crown* as the King tells them in his answer to the *Proposition* of the two Houses, telling them *that he will no more part with his Right in the Militia than with his Crown*; and indeed when he parts with the *one*, he doth in effect part with the *other* also: for as the *Crown* upon his head is the Emblem of his *Sovereignty*, so the *Sword* and the *Scepter*, that are always when he appears as a King carried before him, are the Emblems of the two supporters of his Crown or of his *Sovereignty*; the *Sword* the Emblem of his *supreme Military*, and the *Scepter* the Emblem of his *supreme Civil or judicary Power*, and both of them signifie that he is the fountain of all Power; and that there is no Power that can be legally exercised within any of his Realms and Dominions but what is derived *from him* and exercised immediately or mediately *by him*, and *for him*.

The King asserts the Militia.

Vid. the Kings Answer from York to the 19. Propositions.

A remarkable passage in a Sermon of Archbishop Usher at the Treaty in the Isle of Wight.

And that this is true in *Divinity* as well as by the *Law of the Land* in relation to our King, I will cite the Authority of a *Casnist*, whom Mr. *Baxter* seems to have a great reverence for and esteem of, though he were a Bishop and more than a Bishop; I mean Arch-Bishop *Usher*, whose Reduction of Episcopacy Mr. *Baxter* seems to approve; though the Arch-Bishop

Bishop himself (as I have been informed) would not own it to be his. This Great and Good man (I say) preaching before the last King at the Treaty in the Isle of *Wight*, did in that Sermon of his positively and in plain terms more than once or twice affirm the King, our King, "to be the fountain of Power *et* under God within his own Dominions, and that therefore no Power could lawfully be assumed or made use of by any upon any pretence whatsoever, but as it was derived by Commission from the King. These were his very words, whereunto he added, "*This is true Doctrine*, were the King a *Papist*, or a *Pagan*, and much more when he is (as our King is) a *Christian King*, an *Orthodox Christian King*; and that not in profession only, but in practice also. And then having somewhat enlarged himself in speaking of the Kings personal Virtues and Graces both *moral* and *spiritual*. "Now (said he) some that hear me may think I flatter him; indeed I do not, but I confess that what I have said of him, I have said to comfort him; for never any man of his quality had more need of it, both in regard of the unworthy usage he hath had, and the unworthy condition he is now in; which I hope, said he, will last no longer. For this (as he then added) is the *49th* year of his Age, and at the end of the *49th* year began the year of *Jubilee* among the *Jews*; and then every bondman was made free, and every Prisoner was set at liberty; and every one that had been kept out of possession was restored to it. And if (said he) We be not worse than *Jews*, it will be so with us now also. *Hec audivimus magnum illum virum, non magis verè quàm fortiter & animosè differentem*: these things we heard.

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heard that Great man discoursing of, with no less courage and resolution than with truth. And I have repeated it so often upon several occasions both at home and abroad for his honour, that I verily believe these for the most part were the very *same words*, or very near the very *same numerical words*, as well as the *identical sence* of that passage of his *Sermon*, which I have repeated.

Sir Phil. Warwick a witness to that passage.

And although I cannot produce many *Witnesses* to attest the truth of what I have here said as to this particular, there being but one besides my self (at least that I can remember) now living that heard that *Sermon*; yet that One is one of that credit and reputation with the generality of good men that he is *multorum instar*, as good as a great many, to make any thing he attests upon his own knowledg to be believed; and this was so notable a passage to be delivered at such a time, and in such a place, by One that was nominated not by the *King*, but by the Commissioners for the *Parliament*, to be sent for thither, that I am sure Sir *Philip Warwick* could not chuse but take special notice of it (as I think every body did that heard it) and therefore I am sure he cannot forget it, or at least will remember it as soon as he is put in mind of it. And to him I appeal for the verifying of what I have said as to this particular. But if any man shall, notwithstanding Sir *Philip Warwick's* attestation, think it to be incredible, that the two Houses of *Parliament*, being then in their *Zenith*, should indure any such thing to be said so much to their reproach and condemnation of their cause and of all their proceedings without any animadversion upon him that said it; I answer, it was partly because they were then in their *Zenith*, so high advanced

An objection against its credibility answered.

advanced and so highly elevated with the success God had (for our sins and for their obduration) permitted them to have, that they despised what any man did or could say against them; and partly because they could not have taken notice of it without inflicting some punishment or other upon him for it: which they could not have done (he being a man of such eminency not only in regard of his *quality*, but much more in regard of his *learning* and *sanctity*, and in regard of the very great *reputation* he had thereby acquired both at home and abroad) without exposing themselves to the envy and hatred of the whole World, and without doing themselves any good by it; and therefore all things considered, they thought it best to take no notice at all of it, as for ought I ever heard they did not.

Howsoever what I affirm that pious and learned Arch-Bishop said (whether he said it or no) is true; namely, that the Power of the *Sword* or the Power of making *War*, though for their own defence only, or for never so good an end, was not in the *two Houses*, but in the *King*, and in the *King* only, as they did themselves acknowledge; because at that very time, and at that very *Treaty*, one of the *prime Articles* which they mainly insisted on, was to have the *Sword* for so many years to be put into their hands by the *Kings* passing of an *Act of Parliament* to that purpose, and for their raising of money, during that time for the support and exercise of that Power in what proportion they thought or should think fit, upon their Fellow-Subjects; all which they had done before by virtue of their *Ordinances* only: which either they did or did not think to be a *legal and sufficient Authority* for their taking of the *Sword*,

The Parliaments own acknowledgment further made out.

Sword, and using it as they did; If they did think so, why might not the same authority have been sufficient for the continuance of it? and if so, what need was there of an *A&* for the trusting them with it but for a time only? But if they did not think their own *Ordinances* to be a legal and sufficient Authority for their taking of the *Sword*, and taxing of the People; and the exercising all those other *A&s* of Arbitrary Power which they did for so many years together, by vertue of their own *Ordinances* only; why then *habemus confitentes reos*, We have their own confession, not only that they took the *Sword*, which neither the *Law* nor the *King* had put into their hands, and therefore were *Usurpers* of the *Regal Authority*: but had made use of it against the *King*, or, which is all one, against those that were commissioned by the *King*, and therefore were *Traitors* and *Rebels*; as likewise that their own *Ordinances* were not legally sufficient to justify their so doing, and consequently that they have not such a *Legislative Power* as Mr. *Baxter* saith they have, and which he is so confident of, as that he offers *his head* to the Block, if the reasons he gives for the proof of it be disproved; which I am now in the last place to try whether I can do or not.

The end of the third Section.

SECTION IV.

SECT. IV.

England a Monarchy, and the Sovereignty solely in the KING, prov'd against Mr. Baxter; as also that neither the Parliaments concurrence (as the Peoples Representatives) to the making Laws, nor their being Trustees for the Peoples Rights, gives them any share in the Sovereignty.

CHAP. I.

The mischief of Schismatical Books. Mr. Baxter's Anti-episcopal and Anti-monarchical Aphorisms. The Sovereignty not divided (as Mr. B. saith) betwixt KING and Parliament. Prov'd by the Parliaments acknowledgments, and by the Oath of Supremacy.

AND first thanks be to God and the King, that Mr. Baxter is not *Lugdunensem causam dicturus ad aram*, that he is not to plead his cause at the Kings-Bench Barr. For God knows that all the hurt I wish him is, that no more hurt may be done by Him; and for this end, and for this end only it was, that I silenced him

A from

*The mischief
consists of
some of Mr.
B.'s writings.*

from *preaching*; and for this end, and for this end only it is, that I would have him prohibited from *writing*, or at least from publishing what he writes, until he is *licensed* by Authority to do so. For when he hath published such pernicious Principles against the *legal constitution* of the Church and State, as he hath done in divers of his Books, especially in that of the *Holy Commonwealth*, it is too late and to very little purpose to say as he doth say of some of them, that he would have them taken *pro non scriptis*, as if they had not been written. For,

Sero medicina paratur,

Cum mala per longas invaluere moras.

that is, Physick comes too late, when ill humors through long delays have got too great a head.

*Heresie and
Schism propa-
gated by Books,
though the Au-
thors them-
selves repent
their errors.*

An *Arch-Heretick* may by Gods mercy be himself reconcil'd to the *Truth*, and become *Orthodox*, and an *Arch-Schismatick* may by the same mercy be reconciled to the *Church*, and become *Conformable*; and yet that *Heresie* that was broached by the one, and that *Schism* that was introduced by the other, may be propagated and perpetuated by their *Books* and by their *Disciples* from Generation to Generation to the Worlds end: and if Master *Baxter* will needs have a *secondary Original sin*, I think this is that which may most properly be so called.

*An Instance of
Brown the Fa-
ther of the
Brownists.*

Our Countryman *Brown* (who would needs have our Church of *England* to be no Church) was himself convinced of this error, so that he not only became a *Member*, but a *Minister* of the Church of *England*, and (as I have been informed) died *Parson*

Parson of a Parish called *A-Church* in *Northamptonshire*. But did *Brownism* dye with him? No; there are *Brownists* still, and will be, God knows how long, perhaps till Doom's day put an end to the World, and all the Divisions that have been, are, or shall be in it. So that as nothing can be more criminal than to be the Author of a *Schism*, *Seet* or *Herese*; so nothing can be more dangerous than to suffer the spreading and growth of them, especially of such of them as are destructive in their natural tendency (whatsoever the intention of the Authors and Abettors may be) to the peace and welfare of the established Government either in *Church* or *State*.

And such, say I, are Mr. *Baxter's* **Anti-episcopal Aphorisms** in relation to the *Church*, and such are his **Anti-monarchical Aphorisms** in relation to the *State*; which will be Thorns in the sides of both *Church* and *State*, to trouble and molest them, if they be not Engines to undermine or overthrow them, as long as there be *Baxterians* in the World, as there will be no doubt, long after Mr. *Baxter* is dead; and though he himself before he dies, do truly and heartily (as I do truly and heartily wish he may, if he have not done it yet) repent of having been the Author of some, and Abetter of all of them.

*Mr. Baxter the
Founder of the
Baxterian Seet.*

As for his *Anti-episcopal Aphorisms*, and all other his *Heterodoxies* relating to the established Government & Discipline of the *Church*, they have been so thoroughly canvassed, and so thoroughly confuted by so many, much more learned Pens than mine, that as I have said already in my *Preface*, so I say

*His Anti-episco-
pal Aphorisms
past by.*

His Anti-monarchical Aphorisms justly excepted against.

again, I mean not to meddle with any of them. But as for his *Anti-monarchical Aphorisms*, because he saith I am a *deser of Deity and Humanity*, for taking exceptions against them, and for my justifying the rights of *Kings* against the grounds he lays for justifying the resisting of *Kings* by their *Subjects*, and particularly of the late horrid *Rebellion* of the *worst of Subjects* against the *best of Kings*, the most groundless in its *causes*, and the most unchristian and the most inhumane in its *effects*, that ever was in this or perhaps in any other Kingdom: I thought my self concerned to enlarge my self in saying of what I have said to justify my exceptions against those *Aphorisms*; some of which I have before printed and now reprinted, and could have printed many more, and some of them as bad as the worst of those, and as destructive of the established Government in all Bodies Politick, especially to that of this in our *Kingdom*, which is and hath been always taken for a *Kingdom*, properly so called, that is, for a *Monarchy*, or for such a State or Body Politick, wherein the *Sovereignty* or Supremacy of power is in *One* only.

The Sovereignty, be said, divided betwixt King and Parliament, and his Reasons to prove it.

Mr. Baxter, in order to justifying of the late *Rebellion*, tells us, it is no *Monarchy*, because the **Sovereignty** is not in one only, namely not in the *King alone*, but **divided betwixt the King and the two Houses of Parliament**; which he endeavours to prove,

First, by the Testimony of both Parties principally concerned in it; namely, the *Parliaments* affirming, and the *King's* owning and acknowledging of it. And

And (2dly) by Reason or by Arguments drawn from the Constitution and Practice of the Government it self.

As to the King's own Acknowledgment, that there is such a division of the *Sovereignty* betwixt *Him* and the *Lords* and *Commons*, I shall speak of it hereafter. And as to the *Parliaments* affirming of it (which he only saith they do and have done without naming any time when, or what *Parliaments* they were that did so) I have answered at large already, and that not only *negatively* by denying that any *Parliament* properly so called, that is, consisting of *King*, *Lords* and *Commons*, did ever affirm or can in reason be supposed ever to have affirmed any such thing; but *positively* also, that all *Parliaments* even those that are improperly so called, I mean the Body without the Head, or as the two *Houses* only are called the *Parliament*, even in this notion I say the *Parliament* hath always in all Addresses that have been made to the *King* by either of the Houses severally, or by both Houses jointly, acknowledged the King to be their **Sovereign**, and themselves to be his humble and loyal *Subjects*; and that when they Address themselves to Him not as so many several single Persons, or every one in his *Personal* capacity, but as in their representative or *Parliamentary* capacity, as they were one or both of the two *Houses*; and how they be *Sovereigns* and *Subjects*, or partly *Sovereigns* and partly *Subjects* in one and the same notion, or under one and the same capacity, is too subtil and airy a speculation for me to comprehend. But that which I did then and do

Of his first Proof.

The Parliament hath always acknowledg'd the King their Sovereign.

*The Oath of
Supremacy
proves it.*

do now principally insist upon for proof of the *Parliaments* acknowledgments of the *King's Sovereignty*, or that the *Sovereignty* here in this Kingdom is in the *King alone*, and not in the *King, Lords and Commons* joyntly, as Mr. *Baxter* would have it, is the **Oath of Supremacy**, whereby in as positive and as plain words as can be devised, several *Parliaments* (properly so called) have declared and caused it to be sworn that the King is the **only Supreme Governour** of this Realm and of all other his Highnesses Dominions and Countries, as well in all *Spiritual* and Ecclesiastical things and causes as *Temporal*. Which I repeat again, because (which I did not observe before) the *Parliament* by enjoinning Men to swear that the *King* is the *only Supreme Governour in Spirituals as well as Temporals*, seems to suppose or to take it for granted, that there were none that pretended to be the *Kings Subjects*, but would willingly and readily acknowledg the King to be the *only Supreme Governour in Temporals*, and consequently that there is no division of the *Sovereignty* betwixt the *King* and the *Parliament*, or betwixt the *King, Lords and Commons*. For it is the *Sovereignty in Temporals* only that Mr. *Baxter* would have to be so divided; for as to the *Sovereignty in Ecclesiastical* things or causes, I believe if Mr. *Baxter* would tell us what lies at the bottom of his heart, we should find that he thinks neither *King* nor *Parliament* have any thing to do with it; and consequently that there can be no division of that betwixt them. But of this we shall have occasion to speak more hereafter.

Now

Now therefore having postponed the consideration of what Mr. Baxter infers for proof of his pretended Division of the *Sovereignty* betwixt the *King* and *Parliament* from the Kings own concessions; I proceed to the examination of the Reasons he gives to prove this Kingdom to be no *Monarchy*, or that the *Sovereignty* thereof is not in one only. Which reasons of his are all of them reducible to this one of the *Legislative power*, or the power of making and repealing *Laws* for the whole Nation, which (as he saith) is not only a part but a principal part of the *Sovereignty*; and therefore if this be not in the *King alone*, but divided between the *King* and *Parliament*, as Mr. Baxter saith it is, the *Sovereignty* cannot be in the *King alone*, but must be divided betwixt the *King* and *Parliament*.

*His second
Proof from the
Legislative
power.*

CHAP. II.

What is meant by the word Parliament. The two Houses being called together and dismissed at the Kings pleasure, are not co-ordinate or sharers with him in the Sovereignty.

NOW this being the sum and substance of all Mr. Baxter hath said to prove the *War* made by the *Parliament* against the *King* was a just

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just War and no *Rebellion*, and whereon he so confidently relies, that he is ready, he saith, to offer his Head to Justice if it can be solidly confuted; either as to the Truth of it, or as to the Inference he makes from it; we will therefore examine,

First, whether the *Hypothesis*, namely that the *Legislative Power* is divided betwixt the *King* and the *Parliament*, be true or no.

And *2dly*, supposing, not granting it to be so; whether he doth rightly infer from thence, that therefore the *War* made by the *Parliament* against the *King* was a just War and no *Rebellion*.

The Legislative power solely in the King.

First then as to the *Hypothesis* it self, so far as it supposeth the **Legislative power** to be a part and principal part of the *Sovereignty*, I grant it to be true; but as it supposeth the *Legislative power* to be partly in the *King* and partly in the *Parliament*, so as that the *Laws* are made by the *Parliament* as well as by the *King*, I affirm it to be false.

For proving of which Assertion of mine, and consequently for disproving the contrary Assertion of Mr. *Baxters*,

We are *first* to agree what is meant by the word *Parliament*.

2dly, How that which is meant by the word *Parliament* comes to be a *Parliament*, or whence it hath its being what it is, and its meeting when it does meet, and its continuance after they are met:

3dly, What they do or legally can do in order to *Law-making* whilst they sit.

First

First then as to what is meant by the word **Parliament** in this *Hypothesis*, it cannot be the *King, Lords and Commons*, because the *Legislative power* which is supposed to be divided betwixt the *King* and the *Parliament* cannot be supposed to be divided betwixt the *King* and the *King*, as it must be if it be divided betwixt the *King* and the *Parliament*, as the *Parliament* signifies the *King, Lords and Commons*; and therefore by the word *Parliament* here must needs be meant the *Lords and Commons* only, or the **two Houses**, as they make up that Body whereof the *King* is the Head. And in this sence the word *Parliament* is always taken, when the *King* and *Parliament* are spoken of together, as distinct from one another; as when the *King* is said to call, or prorogue, or dissolve the *Parliament*, or the *Parliament* to make Addresses, or to grant Subsidies to the *King*. And in this sence I think Mr. Baxter would be thought to understand the word *Parliament*, when he saith the *Legislative power* is divided betwixt the *King* and *Parliament*, that is, betwixt the *King* and the two Houses of *Parliament*. Though there be many passages in this Book of his *Holy Commonwealth*, where speaking of the *Parliament*, he must needs mean the *House of Commons* exclusively to the *House of Lords*; as when he tells us the *Parliament* is to be believed by the People, because they are the Peoples Representatives and Trustees, where by *Parliament* must needs be meant the *House of Commons* only, they and not the *House of Lords* being the Representatives and the Trustees of the Commons.

B

saith

By Parliament
is meant, not
King, Lords &
Commons;

but Lords and
Commons, that
is, the two Hou-
ses.

Mr. B. by Par-
liament often
understands the
House of Com-
mons.

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and in effect
lodges the whole
Legislative po-
wer in them.

faith the King is obliged to pass such Laws *quas Vulgus elegerit*, which the People or Commonalty shall make choice of; he must needs mean that the King must needs pass such Laws as the *House of Commons* will have him to pass; so that the whole Legislative power is to be in the House of *Commons* alone exclusively to the *Lords* as well as to the *King*, and to the *King* as well as to the *Lords*; the *King* being only to declare that to be Law, which the House of *Commons* without the concurrence of the *Lords* had voted to be so; and this we saw and felt it come to at last; and that it may not come to it again (for it seems to be furiously driving that way) it concerns the *Lords* as well as the *King* to consider.

But I will not in this debate take advantage of this notion of a *Parliament*, I mean as it is often taken by Mr. *Baxter* for the *House of Commons* only; but I will consider it, as it is taken for both Houses, and that not only severally but as in conjunction with one another.

How the two
Houses come to
be a Parlia-
ment.

And as thus considered, the next Inquiry is, how they come to be so, or whence they have their Parliamentary existence and continuance, I mean their being and continuing to be *two Houses of Parliament*; and consequently whence they have the power of doing what they do, or legally can do, whilst they are *two Houses*.

If the *Lords Temporal* say they are of the *Lords House* by their Birth-rights, because they are *Lords*; and the *Lords Spiritual* say they are of the House of *Lords*, because they are Representatives of the Clergy, or because they are Bishops: I
answer

answer it is true indeed they are so, or have a right to be so, when there is a *House of Lords*, because they are constituting parts or members of it; but neither of them can be actually and existingly of the *House of Lords*, before there is a *House of Lords*, and there is not, nor cannot be actually a *House of Lords*, or any existence of such an *House*, until the King summons both the *Lords Temporal* and the *Lords Spiritual* to come and meet together at such a time, in such a place; and when upon such a summons, or by virtue of the King's command, they do come and meet together at such a time, in such a place appointed, and then and not till then they are a *House of Lords*. The like may be said as to the *House of Commons*. For if the *Knights and Burgeesses* shall say when they are met, that they are the *House of Commons*, because they are chosen by the *People* to be their Representatives; 'tis true they are so; but who gave the *People* leave or power to choose them to be their Representatives, or to be that Body which we call the *House of Commons*? Was it not the *King*? could the *People* have done it without the King's Authority inabling them to do it, or could they refuse to do it when he commanded them to do it? If not; then though the choice of those that are to be of the *House of Commons* be from the *People*, yet the *Peoples* power to choose them being from the *King*, it is that which makes them after they are chosen to be the *House of Commons* when they meet together; which must be when and where the *King* pleaseth:

The *Lords* summoned by the *King*.

The *Commons* chosen by the *People*, with the *King's* leave.

The Bishop of Winton's Vindication

So that after they be chosen by the People to be the *House of Commons*, or to be the representative body of the People ; yet are they not the House of Commons, nor the representative body of the People, till they meet at the time and in the place by the King appointed, at least so many of them as are agreed on to be sufficient to make them act as a *House*, or in their representative capacity.

The King gives the Parliament its being and continuance, as he pleaseth.

The like in proportion may be said of the *House of Lords* also. So that *both Houses of Parliament* (as such) have no *existence* or being at all until the King gives it them by calling them together, nor *continuance* in being any longer than he pleaseth to continue them. For as when he saith unto them, *Come*, they must come ; so when he saith unto them, *Go*, they must go, according to the legal and established Constitution of our Government.

The two Houses therefore, not co-ordinate, nor sharers in the Sovereignty, with the King.

Which being so, I wonder how the *two Houses* can be said to be *co-ordinate* with the *King*, or how the *Sovereignty* can be said to be divided betwixt the *King* and the *two Houses*, when neither of them are Houses till he makes them to be so, nor continue to be Houses any longer than he will have them to do so. Indeed if the *two Houses of Parliament* were Bodies that were always in being as the *Senate of Rome* was, and as the *Senates of Venice* and *Genoa* now are ; or such as might assemble and meet together, when and as often as they pleased, and continue together as long as they pleased, as the *States of Holland* may and do now ; and as *Grotius* tells us they might and did even then, when they had Kings, such
he

Vid. Grotium
de Antiquitate
Reipub. Bat-
avicæ.

he means as were called Kings, but were no more Kings indeed than those of *Sparta* were, as *Grotius* himself tells us in the same place; if I say our two *Houses of Parliament* were such a *Senate* as were always in being, or might be so when they pleased, and continue so as long as they pleased, there might perhaps be some pretence for their having some part in the *Sovereignty*. But when they have no being at all till the King gives it them by calling them together; and are reducible to what they were before, that is, to no being again, whensoever he pleaseth to dismiss them; I cannot imagine in what sense the two *Houses* of Parliament can be said, either to be *Co-ordinate* with the King, or to have any share in the *Sovereignty* or Kingly power. I am sure that according to the established constitution of our Government, as they have not yet, so it is and always will be in the Kings power to prevent their Usurpation of any such power, (as long I mean as he keeps the power of calling and dismissing, that is, of making and unmaking them in his own hands) and consequently of acting any thing in their Parliamentary capacity to the prejudice of the *Crown* or of the *People*: I say to the prejudice of the *Crown*, or of the *People*; because what is really prejudicial to the *Crown*, is ^{what hurts the Crown, hurts} the *People*. really prejudicial to the *People* also; howsoever or by whomsoever the *People* may be and are often made to believe otherwise, and are not to be convinced of their error but by their feeling only.

C H A P. III.

The Legislative power solely in the King. How far the Parliament concerned in making Laws: Dr. Sanderson's judgment of it. Mr. B. ascribes the whole Sovereignty to the Usurpers, upon the Kings loss of his Part, against a Thesis of his own.

The Legislative power a branch of Sovereignty.

How far the two Houses concerned in that.

BUT although it be the King's **Summons** of them or calling of them together that makes them to be the two *Houses*, and consequently that enables them to act as the two Houses, or in their Parliamentary capacity; and although they cease to be two Houses, or to have any power to act in a Parliamentary capacity, when the King pleaseth to dismiss them: yet because Mr. *Baxter* may say, that as long as they are two Houses, or as long as the King permits them to sit together in their Parliamentary capacity, they have a **Legislative power** or right of making *Laws* together with the King for the whole Kingdom, and consequently are partakers of the *Sovereignty* with the King also; the making of *Laws* for the whole Nation being undoubtedly one of the Essentials of the *Sovereignty* or supreme power. We are therefore in the 3^d. place to inquire, what the *two Houses* do or legally can do as to the making of our *Laws*, and whether that be enough to entitle them to be properly

properly called *Legislators*, or if I may so speak *Collegislators* with the King.

All that ever I heard that either of the *two Houses* severally, or both of them jointly could legally do in order to *Law-making*, is but the framing and proposing or offering unto the King such *Bills* or materials as they think fit to be made *Laws* by the King, if he think them fit to be made *Laws* also. Here is the two Houses *Non-ultra*, hitherto they may go but no further: And sure it is not the proposing of any thing to be made a *Law*, that is the making of a *Law*, or that can prove the Proposers to be the *Law-makers*; especially if he to whom they propose it may choose whether he will make it a *Law* or no; as there was never any doubt made but he might before the rebellious Parliament in the late Kings time broached the contrary, together with many other *Anti-monarchical Paradoxes*, to justify their own Anti-monarchical and rebellious Practices, against the known *Laws*, Customs and Constitutions of this Kingdom; of which this was one of the most essential, that as the *Houses* had a liberty to pass and propose *Bills* to the King; so the *King* might as he saw cause or thought fit, make or not make them to be or not to be *Laws*, by giving or not giving his *Royal assent* unto them. For it is the Kings *Fiat* or the stamp of Royal Authority upon them that makes those *Bills* to become *Laws*, obliging all the Kings Subjects to the obedience of them, or for non-obedience to the Penalties appointed by them; So that the *Bills* are but the *materia ex qua*, the matter

They only propose Bills.

The Royal Assent makes them Laws.

by giving
them an ob-
liging power.

The King alone
our Lawmaker.

matter out of which *Laws* may be made ; but
the *forma per quam*, the *formalis ratio*, or intrin-
secal and specifical form, by which what were
before *Bills*, become *Laws*, is the obliging power
which the King by his *Fiat* breaths into them,
as God doth the Soul into the Body, to make it
a living and a rational Creature. And therefore
Mr. Baxter, who (being so Metaphysical a man
as he is) as he must needs know that it is *forma*
or *causa formalis*, the form or formal cause, *per*
quam res est quod est, which makes every thing to
be what it is ; must needs know too, and (if he
have any ingenuity) confess likewise, that from
whence and whence only the *Laws* have their ob-
liging power (which is *formalis ratio Legis*, that
which makes Law to be Law) from thence and
thence only those *Laws* must have their being
also ; and consequently if it be the King's *Fiat*
only that gives those *Bills*, that are by the two
Houses presented to him, an obliging power over
the whole Nation, thereby making them of *Bills*
to become *Laws*, the King and none but the King
must needs be the sole efficient or maker of those
Laws. For as *Forma est causa per quam res est*
quod est, so *Efficiens est causa à qua res est quod est*,
As the *Form* is the cause by which the thing is
what it is ; so the *Efficient* is the cause from which
the thing is what it is ; by introducing that *form*,
which makes it to be what it is. If therefore
the *Law* hath its obliging power (which is its
form, or that which makes it to be Law) from
the King and the King only, the King and the
King only must needs be the efficient and sole ef-
ficient

ficient cause of Law, and consequently the whole
 Legislative power must needs be in him only: un-
 less Mr. Baxter can prove that the two Houses of
 Parliament can of themselves, and by their own
 Authority only, make their Bills to be Laws, or
 at least that they joyn with the King in making
 them to be so. For if it be the Kings own arbi-
 trary consent only which makes that to be a Law
 which was no Law before he consented to it, then
 must it needs be confessed that the King is the sole
 efficient of all Law, and consequently the only Law-
 giver in his own Kingdom, according to the de-
 termination of the very learned, judicious and
 truly pious, and conscientious Casuist Doctor
 Sanderson Bishop of Lincoln, who in his Le-
 cture de Legum humanarum causâ efficiente, speak-
 ing of our King, hath these very weighty and re-
 markable words. *Cum illa sola censenda sit cujus-
 que rei causa efficiens principalis & sufficiens, que per
 se immediatè producit & in materiam preparatam
 introducit eam formam, que illi rei dat nomen &
 esse, etsi ad productionem istius effectus alia etiam
 concurrere oporteat, vel antecedere potius, ad prævias
 dispositiones, quò materia ad recipiendam formam ab
 agente intentam aptior reddatur, omninò constat, quot-
 cunque demùm ea sint que ad legem rectè constituen-
 dam antecedenter requiruntur, voluntatem tamen
 principis (ex cujus unius arbitratu & jussione omnes
 Legum Rogationes aut ratæ habentur aut irritæ) esse
 solam & adequatam publicarum Legum efficientem
 causam.* 'Seeing (saith he). that is to be held the
 'principal efficient and sufficient cause of every
 'thing which of it self and immediately produ-

Dr. Sanderfons
 judgment in
 the case.

'ceth and introduceth into the matter prepared
 'for it, that *form* which giveth name and being
 'to that thing, though for the producing of that
 'effect, other things also must concur or rather
 'precede, as previous dispositions to make the
 'matter fitter to receive the form intended by
 'the Agent to be introduced into it; it is certain
 'for all that (how many soever the things are
 'that are antecedently requisite for the constitu-
 'ting of the *Law*) the *Will of the Prince*, on whose
 'alone arbitrary consent or dissent the ratifying
 'or rejecting of such Laws. as are tendred unto
 'him doth depend, is the sole and adequate effi-
 'cient cause of all publick Laws.

*This Commenda-
 tion for an
 excellent Ca-
 suist.*

This I say was the judgment of that very lear-
 ned, pious and very judicious Casuist Dr. *Sander-
 son*, concerning the only proper adequate subject
 of the *Legislative power* here in *England*, who was
 Professor of *Casuistical Divinity* in the University
 of *Oxford*, as long as the *Rebellious Parliament*
 would suffer him to be so; and who would in all
 probability (if he might have been suffered to
 have continued some few years longer) have left
 us a truer and more exact and compleat body of
Casuistical Divinity than any the World hath been
 so happy as to see yet, and in which the World
 hath more need to be truly and thoroughly instru-
 cted, in order to peace here and happiness here-
 after, than in any other part either of *Polemical*
 or *Dogmatical Divinity*, the *Essentials* of the
Creed excepted only. But that very reason it
 was for which the *Usurpers* of the Regal power
 in those times would not suffer so vigorously an
 Oppo-

Opposer, and so strongly and clearly a Convincer of that Trayterous and Tyrannical *Usurpation* of theirs to be a publick Professor and Standard of that truth, which they were concern'd the People should be kept ignorant of, or made to believe the contrary, as they were by such *Preachers*, as they *who could not endure sound Doctrine heaped up unto themselves after their own Lusts*; and by such *Casuits* and *Writers of Political Aphorisms* (as Mr. Baxter was) whose business it was to make the People believe the *Usurpation* of an Arbitrary power and Tyranny to be an **Holy Commonwealth**; for such was the Government here, which Mr. Baxter in his Preface to that Book of his, calls *the best Government in all the World*, affirming *those that were then the Governours*, namely the two Houses of Parliament without the King, not only to have a part of the Supremacy or Sovereignty, but to have all the Supremacy or whole Sovereignty, and therefore *such as whom to resist or depose is forbidden* (saith he) *to Subjects upon pain of damnation*. They are his own words in the before-cited place, which one would think were hardly to be reconciled with what he affirms in the place we are now examining, (*viz.*) That the Supremacy or Sovereignty is divided betwixt the King and them, and consequently that they have not the Supremacy, but a part of it only. But for answer to this *Objection* perhaps he will say (as indeed in effect he doth say) that although before the War betwixt the King and them they had but a part of the Sovereignty only, yet the King having by force endeavour'd to take their

1 Ep. Tim.
Cap. 4. v. 3.

The design of
Mr. B.'s Holy
Common-
wealth.

He intitles the
Usurpers to the
whole Sovereignty;

By the King's
having lost his
part:

Vid. H.C. Thes.
145. & 363.

Thes. 368.

And this too
against a Thesis
of his own.

Thes. 374.

part from them, and being overcome by them he had lost his own part, which *jure belli*, by right of War, did accrue to them, and so they became the Possessors of the whole *Sovereignty*, though the King was then living. But he had ceased to be King (saith Mr. Baxter) because he had entred into a state of War with his People, and consequently by Mr. Baxter's Logick had lost his part of the *Sovereignty*. But who was to have his part of the *Sovereignty*, (supposing him to be justly deprived of it) Those that had the other part of it by whom he was conquered? No, saith Mr. Baxter; for if (saith he) a Prince that hath not the whole *Sovereignty* be conquered by a Senate that hath the other part, and that in a just defensive War, that Senate cannot assume the whole *Sovereignty*, but supposeth that Government in specie to remain; and therefore another King must be chosen if the former be incapable.

C H A P. IV.

Mr. B.'s high strain in commending those for the best Governors in all the World, whom yet he owns to be Intruders and Usurpers. His compliance with Richard remarkt. His high commendation tax'd and challenged. The Recapitulation.

Mr. B.'s Thesis
further examined.

What he means by the last words of this Thesis, (viz. *Another King must be chosen if the former be incapable*) I know not, unless he means,

means, that the former King, *though he had lost his part in the Sovereignty, and ceased to be King by being conquered by the Parliament in a just War*; yet he might be capable of being King again, if the *Parliament* thought fit to choole him; which having used him as they had done, Mr. Baxter no doubt wished as heartily, as he thought it likely they would do. But whatsoever Mr. Baxter meant by these last words of this *Thesis*, it is evident that his meaning in the words before, was that the *Parliament* by their conquering of the *King* in defence of their own pretended part of the *Sovereignty*, did not gain that part which he lost; nor consequently could (as he saith) *assume the whole Sovereignty* to themselves. But they did assume the *whole Sovereignty*; even that *Parliament* did assume it, those *Lords and Commons* did assume the *whole Sovereignty*, who, (as Mr. Baxter saith) were the **best Governours** in all the *World*, and such as whom to resist or depose is forbidden to *Subjects* on pain of damnation. And why so Mr. Baxter? because (saith he) they had the *Supremacy*, that is, the *whole Sovereignty*. But whom doth Mr. Baxter mean by those the *best Governours in all the World*, and whom all the *Subjects of England* were forbidden to resist on pain of damnation, because they had the *Supreme power*; I mean (saith he) *them whom you* (speaking to the *Souldiers*) *called the corrupt Majority, or the 143. imprisoned and secluded Members, who as the majority had you know what power, and the remaining Members that now sit again as many of them as are living*. Whereby it plainly appears that he meant

Who in Mr. B.'s account the best Governours in all the Worlds

See the Preface to the Holy Common-wealth.

meant the *two Houses*, or the majority of the two Houses of Parliament in 47. and consequently that they were those that had then *the Supreme power*; and who, because they had the Supreme power, were *on pain of damnation* not to be resisted. But how came they by that *Supreme Power*? not by having conquered the King, saith Mr. Baxter in that before quoted *Thesis*; for that, saith he, did not give them a right to more of the Sovereignty than they had before, which was (saith he) but a part of it, neither was that to make any change of the Government *in specie*, and consequently the *Sovereignty* was still, (according to his *Hypothesis*) to be in a *King, Lords and Commons*; and therefore the *two Houses* of Parliament or *Senate* (as he calls them in the aforesaid *Thesis*) could not assume *the whole Sovereignty*; where by [*could not*] he must mean they could not *de jure*, by right, assume it, that is, they had no right or just title to it. And what are they that assume *Sovereignty* without any Right or just title to it? some (saith Mr. Baxter) call them *Tyrants*: but what doth he himself call them? He saith they may be more fitly called (and you must know he loves to speak properly and distinctly) **Inbaders, Intruders and usurpers**; but are the People bound to obey, or not to resist *Inbaders, Intruders and Usurpers* upon pain of damnation? No, (saith Mr. Baxter) *when it is notorious they have no title to govern them, the People are not bound to obey them.* Now what can be more notorious than that the *two Houses* had not the *Sovereignty*, at least not the *whole Sovereignty*, whilst the King

Whom yet he
owns to be In-
truders and U-
surpers.

H. C. p. 86.

Thesis, 375.

King was alive, and whilst he was acknowledged and treated with by them as their King, as he was at that very time Mr. Baxter saith they had the *Supreme Power*, and consequently if they had it, (as indeed they had it *de facto*, in fact) they held it without any title or Right to it, and therefore by Mr. Baxter's own confession they had it as *Invasors* and *Usurpers*. And if notwithstanding they were *Invasors* and *Usurpers*, they were *the best Governours in all the World*, and not to be resisted on pain of damnation, (as Mr. Baxter tells us in one place) then are the People bound to obey notorious *Invasors* and *Usurpers*; which in another place he saith they are not; but yet he saith it with such limitations and exceptions, as one may see he leaves a Latitude for any man to submit to any that are in the possession of the *Supreme Power*, whether they have any right to all or any of it, or no; or though they be never so much *Invasors* or *Usurpers* of it; as all of them were that succeeded one another from the beginning of the *War* with the late King until the *Restoration* of our present Sovereign.

*His strange
shuffling and
self-contradiction.*

As first the two Houses governing arbitrarily and independently whilst the King lived.

2dly, The House of Commons alone after the Kings murder and Martyrdom, assuming to themselves the title of a *free State*, or Sovereign Commonwealth.

3dly, Cromwel the Father making himself Master of all, and of *servus servorum*, a servant of servants, becoming *Dominus Dominantium*, a Lord of Lords: of whom Mr. Baxter saith in the same

A short account of these Usurpers.

Preface,

Mr. B.'s flattery to Oliver.

Preface, *That he did prudently, piously and faithfully, and to his immortal Honour, exercise the Government.*

His compliance with Richard.

4thly, *Cromwel the Son*, to whom he saith, *he was bound to submit, as set over him by God, and to obey for conscience sake, and to behave himself as a loyal Subject towards him; because, as he saith in the same place, a full and free Parliament hath owned him: Hereby acknowledging,*

Three Remarks upon it.

First, That a full and free Parliament, meaning the two Houses only, may own or disown whom they will to be set over them by God, and consequently whom in conscience they are bound to obey, whether he have an Hereditary Right to it or no: For Cromwel the Son could have no such Right from his Father, neither doth Mr. Baxter pretend he had any such right.

2dly, *That without Writs issuing from the King, the People may meet and choose Knights and Burgeesses to be their Representatives, and that they that be so chosen make up a full and free House of Commons, as likewise such as the Usurper is pleased to call Lords, though they be no Lords, and have not so much as one Lord truly and properly so called amongst them, do make up a full and free House of Lords.*

3dly, *That two such Houses do make up a full and free Parliament.* And such a Parliament was that with such a Summoner of it, and such a Head to it (as *Cromwel the Son* was) which were the Powers that Mr. Baxter saith were last laid by; and of which together with those that were laid by before (he means laid by or deposed by the Souldiery

Souldiery to whom he addresseth his Preface to his *Holy Commonwealth*) he hath so excessively high an opinion, that he saith * *he should with great rejoycings give a thousand thanks to that Man that will acquaint him with one Nation in all the Earth, that hath better Governours in Sovereign Power (as to Wisdom and Holiness conjunct) than those that have been resisted or deposed in England.* Where, by those Powers he so much magnifies that were resisted and deposed here in *England*, you may be sure he means not the *King*, nor the *Kingly Government*, (though that was the only *Sovereign Power* that was resisted and deposed) but for ought I see, or he saith to the contrary, he may and doth mean all others that successively usurped and exercis'd *Sovereign Power* both before and after the late *Kings* death, till his Son's coming in; and consequently not only the *two Houses of Parliament* before the *King's* death, but the *One House*, I mean the *House of Commons* (presently after the *Kings* death; yea and both the *Cromwells* also, of which the former was resisted, though not deposed, and the latter was both resisted and deposed, together with the several *mock-Parliaments* in both their times, and the last *mock-Parliament* of all, which by the admirable conduct and courage of that ever to be renowned, and ever to be remembred Souldier and Servant of God, the *King* and his Country (I mean General *MONK*) was shatter'd in pieces never to be sodred or re-united, in order to restoring of the *Sovereign Power* to its only true and right owner, the *King*. For as for all or for any of

His Eulogy of the Usurpers.
* Pref. to Holy Comm. W.

*Mr. B. rebuked
for his Extra-
vagance; and
his best Gover-
nors challeng'd.*

the rest of those *Sovereign Powers*, as Mr. Baxter calls them, and which he magnifies so much, they were as far from having any right to **Sovereign Power**, as they were from being the **best Governours** in all the World, as Mr. Baxter most falsely (and I had almost said most impudently) saith they were. For let him name that which he thinks to have been the best of those *Governments* or *Governours*, betwixt the assuming and usurping of the *Sovereign Power* by the two Houses of the *long Parliament* and the present King's coming home: And I will undertake (as old as I am) if God spare me life and health, to demonstrate, that they were not only as arrant *Traytors* and *Rebels* as ever were in the World, but that in the managery and exercise of their usurped Power they carried themselves as hypocritically and blasphemously towards God, in the use of his Name and his Ordinances; as insolently, insultingly and barbarously towards their King; not only in their buying and selling and imprisoning of Him, but even in their Addresses to him and treating with Him; and withal as arbitrarily, as despotically, as injuriously and every way as tyrannically towards their *Fellow-Subjects*, in taking away their Goods, their Liberties and their Lives, not only without but against Law, as ever any Governours did (whether justly or unjustly so called) either in this or any other Nation.

*All that said
and sate in Par-
liament, not
censured.*

But when I say this, I would not be understood to mean what I say, of all that sate in both or either of the two Houses of *Parliament*, that made War against the King; for I do verily believe there

there were *many* (and I *know* there were *some*) both of the *Lords* and *Commons*, that after the King was driven away, stayed and sate in both Houses, and did what they could to hinder the rebellious and outrageous proceedings of the factious Party, which was predominant in the one House as well as in the other. But the Tyde was too strong, and those good Men too few to stemm the current, or to prevent the overflowing of it, as it did, over all the banks and boundaries of Obedience to the *Laws*, as well as of Allegiance to the *King*; And therefore, as Mr. *Baxter*, when he tells us the two Houses of Parliament were the *best Governours in all the World*, he tells us too, that by the *two Houses* he means the *Majority* of the two Houses; so when I say they were *Usurpers* and *Traitors* and *Rebels*, and as ill Governours or Managers of their usurped power, as ever were before them in this or in any other Kingdom, I mean the Majority of those two Houses only: Which it was not my purpose to say so much of, as I have said at present; but my just indignation at Mr. *Baxter*'s extravagant magnifying such men as they were, hath carried me out of the way I was in; which was to prove that neither those nor any other two *Houses of Parliament* can properly and truly be said to share with the King in the **Soberaignty** or Supreme Power; upon the account of theirs as well as the Kings **Legislative Power** in making *Laws* for the whole Kingdom; which (as I have already proved) is the Kings A&t only by making *Bills* to be *Laws* by his *FIAT* or *Assent* to them, thereby giving

The Recapitulation of the Legislative power being only in the King.

them that enlivening and obliging power, which they had not before, and which makes them to be Laws, and this being solely the King's Act without any Act of either or both of the Houses in conjunction with it, it is the King alone that makes the Law, or that makes that to be a Law which was not a Law before, how fit soever it might be to be made a Law, whereof the King is the only final Judge also; from whom there lies no appeal to either or both the Houses, so that whatsoever Preparatory Act or Acts of either or both Houses may be necessary in order to the making of *Laws* antecedently to the King's *Fiat*, yet it is the King's *Fiat* only that makes them to be Laws, especially, it being at his choice whether he will make them to be Laws or not, after the two Houses have done what legally they can do towards it.

C H A P. V.

Upon Mr. Baxter's grounds the KING may make Laws, in some Cases, without the consent of the two Houses. Ship-mony justified, upon the same grounds. It is the King's Assent that makes Laws. The Parliaments concurrence, wherein it lies.

An Objection. IF it be objected, that as the two Houses cannot make a *Law* without the *Kings Assent*, so neither can the *King* make a *Law* without the *Consent*

sent of the two Houses; and that therefore the two Houses as well as the King are the **Law-makers**.

For answer hereunto, I will not say as Mr. Baxter seems to say, when he puts the Question, whether if the People will not consent to that which is necessary for their own Preservation, the Sovereign may not do it against their wills? and answers, he may do it though he be not an absolute but a *limited Sovereign*, and *limited by Covenant*, that is, (as he expresseth himself in other places) by an antecedent compact with the People, when they chose or admitted him to be their Sovereign; and consequently, that even such a *Sovereign* notwithstanding such a *compact* (as for instance, that he will not, nor shall not make any *Law* without the *Nobilities*, and *Peoples* consent) may of himself and without their consents make such a *Law*, as is necessary **for their Preservation**, or that he judgeth to be so; for in this case he is, and of necessity must be the only Judge whether it be necessary for their Preservation or no; and therefore if he judge it to be so, he may according to Mr. Baxter's opinion, notwithstanding any compact or Constitution to the contrary, make such a *Law* not only *without*, but *against* their consents, (as Mr. Baxter words it) because (saith he) *that Sovereign is God's Officer for the ends of Government*, and therefore cannot lawfully be restrained by the People from preserving them; because the People have no power above God, and because it is still to be supposed that the People desire their own Preservation, and therefore mistakingly resist the means which else they would

Mr B.'s opinion, that a Sovereign, though limited by compact, may act for the Peoples safety against their consent.

And why not make Laws then for that end, without their consent?

His reason for that opinion.

v. p. 119. Thel.
120.

con-

The Answer
according to
that Opinion.

consent to. This is one of Mr. Baxter's *Political Aphorisms*; which if it be true, my Answer to the aforesaid *Objection* might be this, That although the *Parliament*, or the two *Houses of Parliament* cannot make any *Laws* without the Kings consent, yet the *King* may make *Laws* without their consent in some cases; namely, when the publick safety is concerned that such a *Law* or such *Laws* should be made, though one or both of the *Houses* will not consent to it. In such a *Cafe* I say. (not according to mine own but Mr. Baxter's opinion) such a *Law* or such *Laws* may be made by the *King* without, nay, against the consent of both *Houses*; and à *paritate rationis*, for the same cause and by the like reason, *Mony* may be raised; if without raising of *Mony*, a *Naval Force* (for example) as may be sufficient for the preservation of the Kingdom from imminent dangers by a foreign Invasion cannot be had; and then (according to Mr. Baxter's *Hypothesis*) what can be said against raising of **Ship-money** by the late King? he being the Judge of the greatness and imminency of the danger, and that it could not stay for a *Parliamentary Supply*, there being no *Parliament* then sitting, and the greatest *Extraparliamentary* Judicatory of the Nation having been advis'd with by the King, and given him their opinions that he might legally do what he did; certainly these things considered, if Mr. Baxter's *Aphorism* be true, the King's raising or endeavouring to raise *Ship-Mony* without consent of *Parliament*, was not so hainous a violation of the *legal constitution*, which he was obliged or
had

Ship-Money
justified, upon
Mr. B.'s
grounds.

had obliged himself to govern by (especially after it was by his consent condemned in Parliament) as to be made (as it is by Mr. Baxter) one of the principal causes of his siding with the *Parliament in Rebellion* against the *King*. For if the King were *maxime dignus istâ contumeliâ, indignus ille qui faceret tamen*; if he did never so much deserve this affront, yet it did not become Mr. Baxter to give it him: not only because by the highest Judicature then in being it was declared to be legal; but because according to Mr. Baxter's own judgment declared in this *Aphorism*, the King might have done it supposing it necessary for the Preservation of the publick, though it had not been legal.

But this shall not be my *Answer* to the aforesaid *Objection*. I remember what I have said before upon another Occasion, (*viz.*) that *A mischief is better than an Inconvenience*; which I think is a maxime of our Law, and the meaning of it is (as I conceive) that it is better to run the hazard of a very great Evil, which possibly may, but is very unlikely will, befall us, than for the avoiding or preventing of it to make use of such a Remedy, as frequently may be and probably will be made use of, when there is no such Occasion for it or need of it. And so that which was used as a *Remedy* for the present, may prove a *Malady* for the future, in the Consequence of it. And therefore for *answer* to the aforesaid *objection*, I will not say that the *King* can make *Laws* to oblige the whole Nation without the consent of both Houses of *Parliament*, though never so much for the

The Bishop's
own answer.

*

Though Laws
are not made
without the
Peoples consent
in Parliament,
yet that consent
doth not make
them Laws.

Ordinances of
themselves not
Laws.

The King's As-
sent gives being
to the Laws.

the publick good, or never so necessary for the preservation of the whole Kingdom: but this I will say, that though such *Laws* cannot be made **without their consent**; yet it is not they, nor their consenting to them that makes them to be *Laws*. For then either the *Bills* would be *Laws* as soon as they were passed by both Houses, or the being passed by the *two Houses* must oblige the *King* to pass them also; but neither of these is true, according to the legal and fundamental constitution of our Government; as appears not only by the constant *Practice* to the contrary, but by the frequent and importunate *Addresses* made unto the late King by the two Houses of the rebellious Parliament, to make their *Ordinances* to be *Laws* by his consent to them; which certainly being so high as they were then, they would never have done, if they had thought that either their *Ordinances* were *Laws*, or had the Obligatory power of *Laws* before the King gave it to them; or that he might not if he would, refuse to give it. So that it being not only the *Kings consent*, but his free, arbitrary and voluntary consent that gives being to all *Laws*, the *Legislative Power* (properly so called) must needs be in the *King* and in the *King* only. The *Legislative Power* I say *properly so called*, I mean the very making of that to be *Law* which is *Law*, abstracting from whatsoever it is that goes before, or that follows after it is made; for certainly neither of them can be essential to the making of it, and yet both of them may be very requisite for the making of the *Laws* to be such as may the more willingly

willingly be obeyed by the People. Now by what goes before the making of *Laws* here with us, I mean the considering, debating and agreeing of *both Houses* what shall be proposed to the King by them, to be by him made to be *Laws*; and by what follows after the King by his *Le Roy le veut* hath made them *Laws*, I mean the solemn Preface or Preamble to them, whereby it is declared that there was a concurrence of the *Lords* and *Commons* to the making or enacting of them: because the subject matter of them was prepared and agreed on by the *Lords* and *Commons*, and then and not till then proposed to the King by them to be made *Laws* by him; So that the *subject matter* of our *Laws* is and always must be from the *two Houses*, or at least from their agreement and consenting to it. And in this respect it is, that they may be said to *concur* to the making of our *Laws*, though they do not make them. For it is (as I said before) not the Matter, *ex quâ res est*, out of which a thing is made, which is prepared and proposed by the *Houses*, but the Form, *per quam res est*, by which a thing is what it is, which is wholly from the *King*, that makes what the *Houses* propose to him to be made a *Law*, to be a *Law*; which although he may do or refuse to do as he pleaseth, yet because he can make nothing to be *Law*, but what by the Agreement of both *Houses* is proposed to him to be made a *Law* by him; and consequently though our *Laws* are not nor cannot be made by them, yet they are not nor cannot be made without them neither; therefore I say

How the two Houses concur to the making of Laws.

The matter of the Laws from the Parliament, the Form from the King.

they do *concur* to the making of them, though they do not make them. They *concur* to the making of them, because the Legislative matter, or the *matter*, whereof Laws are made and must be made, is from them; but they do not *make* them, because the *form*, whereby they are made to be what they are, is not at all from them, but solely and wholly from the King; and consequently he is the sole efficient or maker of them.

*Why the Laws
said to be en-
acted by King,
Lords & Com-
mons.*

And yet because he cannot make them but of such materials as are by the two Houses prepared and proposed unto him, therefore they are said in the common and modern stile to be *enacted* not by the King only, but by the *King, Lords, and Commons*, that is, by the King and the two Houses also, to the end that the People who are to be governed by them may (as I said before) the more willingly submit to them, when they know that although they are called the *Kings Laws*, as being made by him; yet the materials whereof they were made were first devised, debated, digested and agreed on, and then suggested to the *King*, not only by the *Lords*, but by the House of *Commons* also, that is, by their own Representatives and Trustees, and consequently in effect by their own selves; when they know this, I say, they must needs be the more willing to submit to them.

C H A P. VI.

The Preface of our Laws doth not prove the Legislative Power to be in the Parliament. The Old stile of enacting Laws why changed by Henry the VIII. and why since resumed.

AND this, and no more than this, is the meaning of the *modern* form of prefacing our Laws and Statutes which we call **Acts of Parliament**; when they are said to be enacted by the King, Lords and Commons assembled in Parliament, and by the Authority of the same; which I call the *modern stile*, because antiently it was otherwise. And therefore Mr. Baxter laying so much stress (as he doth) upon this form of words to prove the *Legislative Power*, and consequently a principal branch of the *Sovereignty*, to be partly in the *Parliament* (meaning the two Houses of Parliament) doth well and wisely to say that he will not run to Records; for he knows (if he know any thing in that kind) that this was not the *stile* that was anciently used in Prefacing the *Acts* or *Statutes* made by our Kings in Parliament; *Ab initio non fuit sic*, from the beginning it was not so.

The Modern stile of enacting Laws.

H. C. p. 462.

For from the first of our Parliaments (recorded by Poulton) which was in the 9th. of Hen. III. to the 15th. of Hen. VIII. this stile of *Be it enacted by the King, Lords Spiritual and Temporal, and the Commons in this present Parliament assembled,*

*The Ancient
stile or form.*

was never used; but during all that long Interval of *Eleven Kings* Raigns, and the very many several *Parliaments* held by them, the making, ordaining and passing of *Laws*, was in the *Kings* name only, sometime with this addition, *by or with the Advice and consent of his Bishops, Earls, Barons, &c.* without naming the *Commons*: and sometimes *by the advice of His Bishops, Earls, Barons, &c.* at the request of the *Commonalty*, or at the special request of the *Commons*; and sometimes *with consent of the Commons as well as of the Lords*. But still and always the making or enacting of the *Laws* is said to be *by the King alone*; sometimes in these words, **We of Our meer free will have given and granted**, which is the stile of *Magna Charta*, or the great Charter it self; sometimes in these, **The King willeth and commandeth**; and sometimes in these, **It is by the King made, provided and ordained**.

*When the
change began.*

*The Old stile
resumed after-
ward.*

This I say was the stile all along, which was used in passing of *Laws* or *Acts of Parliament* until the 15th. of *Hen. VIII.* for about 300. years. And then indeed it began to be changed from, **Be it Enacted by the King, with the advice and consent of the Lords and Commons**, to *Be it enacted by the King, Lords Spiritual and Temporal and the Commons*; but not constantly. For in the very next King's time, his very first Act of Parliament *Cap. 1.* runs in the old stile, (viz.) **Be it enacted by the Kings Highness with the assent of the Lords Spiritual and Temporal, and of the Commons.** And again in the same Parliament, *Cap. 4.*
it.

it is said that at the humble Petition and suit of the Lords and Commons in that Parliament assembled, the King did declare, ordain and enact by the Assent of the Lords Spiritual and Temporal and of the Commons, &c.

In the same old stile likewise runs the first Act of Queen Mary, (viz.) **Be it ordained and enacted by the Queen our Soberaign Lady,** with the consent of the Lords Spiritual and Temporal and of the Commons, &c.

The like we find in the Raigh of Queen Elizabeth, as may be seen in the Act of Uniformity made by Her, and prefixed in our Common-Prayer-Book to another Act of the same kind made by our present King. For in that of Queen Elizabeth the stile is, **Be it enacted by the Queens Highness,** with the consent of the Lords and Commons in this Parliament assembled, &c. And in that of our present King it is, **Be it enacted by the Kings most Excellent Majesty,** by the advice and with the consent of the Lords Spiritual and Temporal and of the Commons in this Parliament assembled, &c.

So that the first of the two Proofs Mr. Baxter alledgeth for the Legislative power in the Parliament, as well as in the King, and consequently their participating with him in the Sovereignty, is not so convincingly conclusive from the stile used in the Preface to Acts of Parliament, as he would have it thought to be; but that it may without immodesty be contradicted, though he tells us it cannot; because, saith he, the Laws expressly speak their Authority, when they say: **Be it enacted**

Mr. B.'s Argument for the Legislative power in the Parliament from the Preface of our Laws, un-conclusive.

Holy Com. P. 462..

by

The Bishop of Winton's Vindication

All the Ancient
and several
Modern Instances
against
him.

by the *King, Lords and Commons in Parliament and by the Authority of the same.* It is not (saith he) upon their *Petition or Proposal only, but by them or by their Authority.* But did the *Laws* anciently speak thus at all? or do all of them speak thus in all our modern and later *Acts*? I think I have given him Instances of both sorts to the contrary; and such and so many Instances as must carry the Question, if it be to be decided by the speaking of the *Laws*, either in regard of their *Antiquity* or *Plurality*. For (as I said before) all *Laws* made before *Hen. VIII.* speak and speak expressly the *King*, and none but the *King*, to be the maker of them; as may appear by the Instances before given, and of many more that might have been given, even as many more as there were *Acts of Parliament* during the Reigns of so many *Kings* for 300. years; during which time I cannot find so much as one single instance of any *Law* which is said to be enacted by *King, Lords and Commons*, but by the *King, with the advice and consent of the Lords and Commons*, when most is ascribed to them, I mean to the *Commons*; for sometimes it is upon the request, and sometimes upon the humble *Petition of the Commons*, and with the advice and consent of the *Lords*, that the *Law* is said to be enacted by the *King*. So that if (as I said before) the question of who are the *Law-makers* be to be decided by the speaking of the *Laws* themselves (as Mr. *Baxter* calls it) as either they are more venerable for *Antiquity*, or considerable for *Plurality*, the *King* and none but the *King* must be acknowledged to be the *Enacter* or the maker of them. And

And truly one would think that those *Laws* that are most *ancient*, and consequently nearest in time to the first Institution of *Parliaments*, though they were not the most in number, were most to be credited for speaking most properly of who they were that made them *then*, and consequently who it is that makes them *now*. Unless Mr. *Baxter* will say it was the King, and *King alone* indeed that made the *Laws*, in *Parliament then*; but it is the *King, Lords and Commons*, or the *King and Parliament* that makes them *now*; and consequently that the King is not so much a King now as He was then, and that the constitution of the Kingdom it self is changed from *Monarchical* to *Aristocratical*. But then I must ask him by whom and when this great change was made? Was it by him that brought in this new stile of, *Be it enacted by the King, Lords and Commons, &c.* That was *Hen. the VIII.* who was not a Man likely to give away any of his Authority, or to part with any part of his *Soveraignty* to his own *Subjects*, who rescued it from the *Popes* incroachments: And yet perhaps even He meaning to make use of the *Parliament* for the countenancing whatever he had a mind to do, though never so extravagant in it self, though never so offensive to Foreign Princes his Allies, or never so injurious to his own Children, because he thought it would be serviceable to his own ends, (after he had forced the two Houses to consent to what he listed to enact) to joyn them with himself in the enacting of it, as well as by assenting to it, to make it so much the more plausible, or at least so much the less

Why Henry
the VIII. chan-
ged the old
stile.

*His meaning
in it could not
be, to part with
any of his So-
veraignty.*

less grievous unto the People. Otherwise it is most certain that never any King of *England* after the making of *Magna Charta*, reigned so despotically and arbitrarily as he did; or whom the two Houses of Parliament stood so much in awe of, as they did of Him: as appears by his making them consent to the doing and undoing, to the enacting and repealing of whatsoever he would have to be done or undone, to be enacted or repealed. And therefore it is not to be imagined that such a King as he was did mean by changing of the stile, to lessen the *Legislative Power* it self, which was in his Predecessors, by admitting those, whom he used as he did, the two *Houses of Parliament*, to a participation of any the least degree of *Sovereignty*.

*Nor was it so
understood, by
either King or
Parliament.*

And as he never meant to do so, so they, the two *Houses of Parliament*, did not then, or ever since, (for ought I ever heard) understand that to be the meaning of the Alteration from *Be it enacted by the King with the consent of the Lords and Commons*, to *Be it enacted by the King, Lords and Commons*, to signifie that either the *Kings* power, as to the making of *Laws*, was less, or the *Parliaments* greater than it was before this alteration of stile. For if it had been understood either by the *King* or *Parliament* to signifie any such thing; as the *King*, (especially such a King as *Hen. VIII.* was) would never have suffered the alteration of the former to the latter; So the two *Houses* who are jealous enough of their Power and Priviledges would never have suffered the alteration of the latter to the former again, (as it was

was altered by King Edward, Queen Mary and Queen Elizabeth, King Henry's three immediate Successors ; and as it is altered by our present King in the *Act of Uniformity*.) For as the alteration of the former to the latter could not have been made without the *Kings*, so the alteration of the latter to the former, could not have been made without the consent of the *two Houses* neither.

And therefore I verily believe that if any thing at all was meant by the alteration of the former stile to the latter, it was only *ad faciendum Populum*, to gain the People, that the People might more willingly receive and submit to the Laws, when they were made, (especially such of them as might seem to pinch them in their Purses) when they were said to be enacted by the *Lords* and *Commons*, or by the Lords and their Representatives, and consequently by themselves, as well as by the King ; for *Volentibus non fit injuria*, where there is consent, there is no injury.

And yet again left by this alteration of stile, and misinterpretation of it, the *Kings Prerogative* of being the sole *Sovereign*, and consequently the sole *Law giver*, might be thought to be diminished, by being communicated to either or both Houses of *Parliament* ; therefore the first, most ancient, and withal the longest continued stile of, *Be it enacted by our Sovereign Lord the King, by the advice and with the consent of the Lords and Commons in Parliament assembled*, was presently after the first alteration of it resumed by the three next succeeding Princes ; as it hath been

Most likely it was to please the People.

why the Old stile resumed since.

also now of late by our present Sovereign, and by all of them with the consent of the Lords and Commons thereunto.

C H A P. VII.

The Laws enacted by the Authority of Parliament, in what sense. Why called Acts of Parliament. They provide the Matter of the Laws, the King gives the Form.

An Objection.

BUT withal, (will Mr. Baxter perhaps say) with this Addition, *and by the Authority of the same*; that is, *by the Authority of the Parliament*: so that according to this former stile, our Laws are said to be made and enacted by the Authority of the *Parliament*, and consequently by the Authority of the *two Houses*, of *Lords and Commons*, as well as by the *Kings*.

*Those words,
And by the
Authority of
the same,
when added,
and why.*

For answer whereunto I might say in the first place, that it was not till after 200. Years from the *first Parliament*, that we read of in our Book of *Statutes*, namely, not until the Reign of *Henry the VI.* who owed his Title (such as it was) to the *Parliament*, and to the *Parliament* (as it signifies the *two Houses* only) without the King; for by the Authority of such a *Parliament* it was, (that is, of a Body without a Head) that *Henry Bulling-*

Bullingbrook was made King, Richard the Second's surrender being neither voluntary, nor lawful, if it had been voluntary, as was acknowledged by the two Houses themselves, when Richard Duke of York claimed the Crown, as the right Heir to it; thereby acknowledging likewise that although they had *de facto*, yet they could not *de jure*, exclude the right Heir. Howsoever their Authority being the only Title which the (then) present King had and held the Crown by, as having not the courage either of his Grandfather or his Father to claim it by Conquest, and hold it by force, as they did; He was willing to acknowledge he held it by *Authority of Parliament*, as the word *Parliament* is taken for the two Houses of Parliament without a King; And this perhaps might be the reason why at first in that weak King's time to Be it enacted by the King with the consent of Lords and Commons in Parliament assembled, was added, and by the Authority of the same.

But this is not the Answer I rely on, because this addition hath been continued ever since; whereas the alteration I before spoke of, did not, as I have already showed.

And therefore adly to this Objection, that when it is said, Be it enacted by our Sovereign Lord the King by the advice and with the consent of the King, Lords and Commons in Parliament assembled, it is said also, and by Authority of the same. My Answer is, that by the word *Parliament*, is not meant the two Houses, or the Lords and Commons only, but the Body without a Head, but the Body with the King.

The Bishop of Winton's Vindication

the Head to direct and govern it, as the natural Head doth the Body natural, and more than so; for the natural Head, though it directs and governs, yet it doth not give its Being to the Body natural, but the Parliamentary Head gives its very Being it self to the Parliamentary body, as being made what it is by his Call, and dissolved into what it was at his pleasure, that is, into so many single and private Persons as they were before, as I have already shewed.

*What meant,
by the Authority
of the
same.*

*The Parliament
the King's
great Council,
and High
Court.*

*Their Authority
from the
King.*

*They all in that
respect, as other
Courts do.*

And truly if we mark the words well, *By the Authority of the same*, cannot be meant the Authority of those that are assembled in Parliament, but of the *Parliament* it self wherein they are assembled, which is as it is commonly truly and properly called the **Kings great Council**, or the *Kings High Court of Parliament*. It is by the Authority therefore of that *great Council*, or by the Authority of that *High Court*, that our Laws are said to be enacted: But whence is it that this *great Council*, or this *High Court* hath its Authority? Is it not from the King? Is it not from Him that makes them to be such a *Council* and makes them to be such a *Court* by his calling and assembling them together? So that to say *Be it enacted by the Authority of the Parliament*, is no more in effect, than to say *Be it enacted by the King in Parliament*, or, *Be it enacted by the Kings Authority in his great Council, or in his High Court of Parliament*. For as all *Inferiour Courts* are, and Act by the Kings Authority, so is, and doth the *High Court of Parliament* it self also; for as it doth not, nor cannot make it self, no more than

than the Inferiour Courts do or can (for if it did or could, it might meet as often, and subsist as long as they list themselves) so their acting when they are a Court, is as the Actings of other Courts are (if they Act as they ought to Act) in and by the same Authority from whence they have their Being; for *Agere sequitur esse*, acting follows upon being, as Mr. Baxter often (but sometimes very impertinently) tells us. And therefore as in all other Courts, because they are the *Kings Courts*, the *Judgments* that are there given, and the *Decrees* that are there decreed, for interpreting, applying and moderating of Laws already made, are the *Kings Decrees*, and the *Kings Judgments*, because they are made by his Authority, or by an Authority derived from him and delegated by Him, and might if he pleased be executed by him in Person, as some of them have been by some of his Predecessors; so in the *High Court of Parliament*, where Laws are to be made, the *Laws* that are there made are the *Kings Laws*, and that not only as being made in one of his Courts, but made in a formal and solemn manner, either by himself personally and immediately; or by special Commission granted and authoriz'd by him to do it for him. For it is the *Le Roy le veult* (whether pronounced by himself, or by any other authoriz'd by him) that makes the *Law*. So that it is the *Kings Will* and the King's will only to have it a *Law* that makes it a *Law*, and not any Act antecedent or subsequent of either or both the Houses of *Parliament*.

Why our Laws
called the
King's Laws.

But

Why called Acts
of Parliament.

But why then are our *Laws* called *Acts of Parliament*? Because, as I said before, they are made by the King in Parliament: Yea but they are said to be *Enacted by Authority of Parliament*; that is, say I, by the King's Authority in Parliament. But they are said to be enacted by the *Lords and Commons*, as well as by the King; but it is not said they are enacted by the Authority of the Lords and Commons, as well as by the Kings. So that by enacting by *Lords and Commons*, is meant by the Lords and Commons, advising or consenting to the matter of them, as appears by the indifferent use sometimes of one of the forms, and sometimes of the other, as I observed before. Whereunto may be added, that it is not unusual to ascribe the doing of a thing to Him or them that are but the advisers of it, or consenters to it. Thus we call that an *Order of Council*, which is ordered by the King in Council, or by the advice of his Council. And thus St. Paul saith, *The Saints shall judge the World*, and Christ himself saith, that his *twelve Apostles shall sit upon twelve Thrones, judging the twelve Tribes of Israel*. Yet it is certain (as Christ tells us in another place) that the Father hath committed all judgment to the Son, and hath joyned none in Commission with him. So that it is Christ, and Christ alone that shall absolve those that shall be absolved and shall condemn those that shall be condemned, which are the proper Acts of a Judge *quatenus* as he is a Judge, and therefore of none but him that is a Judge. How then can the Saints be said to judge the World, or the twelve Apostles be said

Advice or
consent some-
times intitles
to the Act.

1 Cor. 6. 2.

Math. 19. 28.

Joh. 5. 22.

To Saints judg-
ing the World,
applied to this
case.

said to judge the twelve Tribes? Why they do it by consenting to and approving of the judgment which shall be given by *Christ*, whether it be the sentence of absolution or condemnation, upon whomsoever it is pronounced. So though it be the *King*, and the *King only* that properly speaking doth make the *Laws*, yet because he never makes any *Laws*, but such as are agreed on and consented to by both *Houses of Parliament*; therefore the two *Houses of Parliament* may, in the same sense that the *Saints* are said to judge the *World*, be said to make our *Laws*, that is, by consenting to the *King's* making of them to be *Laws*: But yet with this difference (which is indeed no small one) that *Christ's* judging of the *World* needs not the approbation or consent to it antecedently or consequently either of *Saints* or *Angels*: but the *King* according to the legally established constitution of our Government cannot make a *Law*, but the matter of it must be antecedently agreed on by both *Houses of Parliament*, as a fit subject for the *King* to make a *Law* of in their Opinions, if he please, and if it be so in his opinion also. So that the *King* is finally the only and sole Judge, whether what is agreed on and propos'd by them as fit to be made a *Law* be fit to be made a *Law* or no; and if he thinks it fit to be so, it is he and none but he, that by his *Le veult* makes it *Law*.

So that to conclude this Point, the thing proposed (whether by *King* or either of the *Houses*) is the *Matter* or material cause, *ex qua*, or out of which the *Law* is made; the *Efficient* or the

The difference in the Case.

The four Causes of our Laws, viz. Efficient, Matter, Form and End of them, explain'd.

causa

What kind of
Cause, the Con-
sent of the two
Houses is.

causa à qua, whereby or by whom the matter of the Law is made to be a Law, is the King and the King only; the *Formal* cause, or the cause *per quam res est quod est*, by which a thing is that thing which it is, or that whereby it actually becomes, and is effectually made to be a Law, is the *Kings declaration* of his *Assent* or *Will* to make it a Law by those *Nomothetical* or *Legislative* words pronounced by himself or in his Name, *Le Roy le veut*; the *Final* cause, or the cause *propter quam Res est*, for which or for the sake whereof a thing is, is *Bonum Publicum*, the Publick good. So that the consent of the *two Houses* to what is proposed to be made a Law, is but that which we call *Causa sine quâ non*, a Cause, without which a thing is not to be; which indeed is a *condition* rather than a *cause*, but such a condition as is so necessary for disposing of the *matter* to receive the *form*, that the *efficient* cannot introduce the form without it, though he be not necessitated to introduce the form by it; that is, it is such a *condition*, as without which the King cannot make what is so conditioned to be a Law, though it do not necessitate him to make that to be a Law which is so conditioned, so that as I said before, it is but *Causa sine quâ non* only; which is indeed no cause at all.

The Legislative
power and the
Sovereignty in
the King only.

And this I think enough to prove the *Legislative* power to be in the King and *in the King only*; and consequently that the *Sovereignty* upon this account is not *divided* betwixt the *King* and the *two Houses* either equally or unequally, or that they have any part of it or share in it.

And

And yet upon this *Supposition*, and upon this supposition only, Mr. Baxter concludes, *first* that the Kingdom of England is no *Monarchy*. And *Secondly* that the Parliament's defending of their own part of the *Sovereignty* against the *Kings* Invasion of it was a *just War* and no *Rebellion*.

Two Conclusions of Mr. B.'s upon his supposition of the Sovereignty divided.

By the *first* of which *Conclusions* he seems to think that there is no *Monarchy*, but where the Government is *Despotical* and *Arbitrary*; *ubi Arbitria Principum* (as *Justin* saith) *pro Legibus sunt*; where the *Will* of the *Sovereign* is the *Law* of the *Subject*: And such indeed were the *first*, especially the *Eastern Monarchies* of the *World*; and yet not altogether so neither, as appears from the 7th. compared with the 15th. Verse of the 6th. Chapter of the Prophecy of *Daniel*; for as in the former of those Verses, we find there was a consultation by a *Senate* or *Parliament* of all the *Presidents*, *Governours*, *Counsellors* and *Captains* of the Kingdom of *Persia* for the making of a *Decree* or *Law* by the King, which he did by his signing of it; so in the latter of those Verses we find also that it was a *standing Law* of, or amongst the *Medes* and *Persians*, that no *Decree* or *Statute* made by the King, with the advice of an Assembly of the chief Men of his Kingdom, could be changed or repealed without the consent (as I presume they meant) of those that advised the King to make it. So that there were or might be some *fundamental* unchangable *Laws* or *Rules* even in the most absolute and most *despotical Monarchies*; for such was the *Persian*, if ever there were any; and yet you see there was a *Law* by

The Eastern Monarchs not altogether Arbitrary.

which the King himself was obliged. And probably the like was in the former or first Monarchy that of the *Chaldeans* or *Assyrians* also: For as *Darius* here, so *Nebuchadnezzar* there, called all his *Princes* and great Men, when he made a *Decree*, that all that would not fall down and worship the *Image* he had set up, should be cast into the fiery Furnace, *Dan. 3. 12, &c.*

C H A P. VIII.

The English Monarchy asserted. The King under no Judicatory, Accountable to God alone. That Laws are not to be made without the Peoples consent in Parliament, was from the favour of the Kings.

What it is, denominates a Monarchy.

THE Truth is, that it is not the Governing by Law or without Law that makes the Government to be *Monarchical*, but the governing of **One over all**; whether his way of Governing be *Arbitrary*, & *Despotical*, or *Legal* and *Political*. Ours indeed is *Legal* and *Political*; but for all that it is *Monarchical*, because it is but *One* that governs us all. He governs indeed, and is obliged, and hath obliged himself, by his **Coronation Oath**, to govern by Law: but it was not his *Coronation Oath* that made him *King*; for all

all our Kings are as much Kings before they take the *Oath*, as they are after the taking of it. Neither is it their governing by *Law* that gives them their *Right*, nor their not governing by *Law* that can take away their *Right* they have unto their Crowns: for then there must be some *Judicatory* above them to judge betwixt them and their People, whether they have forfeited their *Right* or no; and if they have, to take the forfeiture of it; And if there be such a *Judicatory*, it is indeed no *Monarchy*, though it may be called a *Kingdom* (as that of *Sparta* was) as I have proved at large already. Mr. Baxter therefore, if he will prove this Kingdom of ours to be no *Monarchy*, he must prove there is some such standing *Judicatory* here amongst us as the *Ephori* were in *Sparta*. If he saith the *Parliament* is such a *Judicatory*, He must prove it to be a Court or *Judicatory* always in being, as that of the *Ephori* was, and as the *Senate of Venice* is, and not such a one as must not meet but when the *King* calls them; and must be gone when he bids them; and such a *Judicatory* is our *Parliament*, according to the Legal Constitution of this Kingdom. And how such a *King* as ours can be liable or obnoxious to such a *Judicatory* as this, (which he may make or unmake as he pleases) so as to be question'd, or tried, or judged, or condemned by it, as the *Spartan Kings* might be, and were by the *Ephori*, and as the *Dukes of Venice* may be and have been by their *Senate*, let Mr. Baxter tell us if he can. For my part I cannot imagine the Practicability of it (I mean

No *Judicatory*
above the *Kings*.

The *Parliament*
no such *Judi-*
catory.

The Bishop of Winton's Vindication

the practicability of it *de jure*, as to right) in any Case, or upon any Provocation whatsoever.

*The King can
do no wrong,
how meant.*

And therefore when our *Law* saith **the King can do no wrong**, the meaning is not (as I conceive) that the King cannot do that, or command that to be done, which is really a *wrong* or injury to any, or perhaps to many, or all of his Subjects, as *David* did, when he numbred the People, for which sin 70. Thousand of them were swept away by the Plague in three days: But the meaning of that *Maxime* in our *Law* I say (as I humbly conceive) is, that if the King should do or cause to be done never so great a wrong, yet he is not legally accountable, or questionable, or punishable for it by any power on Earth, and much less by any of his own Subjects. Whereunto another *Maxime* of our *Law* seems to be a Witness,

*Another Max-
ime to that
purpose.*

which tells us, that **the Crown takes away all defects**, or that he who is *King*, is not chargeable with or answerable for whatsoever he hath done amiss. And hereunto the *Law of God* bears witness also. For in this sence it was, that King *David* confessing those two great sins of *Adultery* and *Murder* unto God, saith: *Against Thee Only have I sinned*: not as if he thought he had not sinned very highly and heinously too against *Bathsheba* and *Uriah*, by defiling the *one* and murdering the *other*; but because he was not *accountable* to, or punishable by any but God for it. Any other Man of the Nation, that had committed either of those Crimes, must by God's own *Judicial Law* have been put to death for it without mercy. How came it to pass then that *Da-
vid*,

*King David
accountable to
God alone;*

vid, who was notoriously guilty of both those capital Crimes, was never called to account for either or both of them? The reason is plain, because there was none that had Authority to call him to an account for it: not any other King; for all *Kings* (properly so called) are equal, as to the right of non-subordination to one another, and *Par in parem non habet Imperium*, a Peer or equal hath no right of Authority over his equal or Peer; and much less *Inferior in Superiorem*, an Inferiour over his Superiour: for such are *Subjects*, of all Qualities and in all Capacities, in relation to their *Sovereigns*.

But did *David* then escape unpunished? No; and punished for God, who is only their *Superiour*, and therefore the only *Judge* of *Kings*, did question and arraign and judge and condemn and punish him for it, though not by shedding his blood for the blood that he had shed; yet by shedding the blood of his darling Son *Absolom*, which was more grievous than the shedding of his own blood would have been to him, as appears by his so often and so passionately wishing he had dyed for him.

Be wise therefore, O ye *Kings*; and be learned, O ye *Judges*; Ye that are *Supreme Judges* here on Earth; and think not, because you cannot be punished by Men, therefore you shall not be punished at all, if you deserve to be so: for *Reges in ipsos Imperium est Jovis*, the Almighty God's rule and authority is over *Kings* themselves, could a Heathen man say. The exemption

ption of *Kings* from being punished by *Men* doth make them the more obnoxious to be punished by *God*, either here or hereafter; and φοβερὸν (saith the *Apostle*) τὸ ἰμμερεῖν ἐν χεῖρας θεῦ ζῶντος, it is a fearful and terrible thing to fall into the hands of the living *God*.

But of the punishment which *Kings* are to expect from *God*, I have spoken before, as likewise why *Kings*, who are *Monarchs* or *Kings* indeed, cannot be question'd or called to account for any thing they have done, or may be supposed to have done amiss, because they have no *Superiour*. That which I am now doing, is to prove our *King* to be a *Monarch*, because he hath no *Superiour*; nor is ever a whit the less a *Monarch*, because, according to the legal Establishment or constitution of our Kingdom, our *Kings* cannot make *Laws* for their *Subjects* without the consent of their *Representatives*, that is, without their *Subjects* own consents in *Parliament*.

The Peoples
priviledge of
consenting to
their *Laws*,
a favour at
first of the
Kings.

William the
Conqueror
made *Laws*
without their
consent.

For I demand, how comes it to pass that they cannot? Is it not because they did at first, out of their meer *grace* and *favour* to their *Subjects*, give away the *Power* they had formerly of doing otherwise? *William* the *Conqueror*, from whom our *Kings* ever since derive their *Right* and *Title* to the *Crown*, could and did make *Laws* for the *People*, without asking or having their antecedent consent to them. It is true, the *Conqueror* himself, when he was crowned *King*, took an *Oath* to govern justly, and afterwards he took an *Oath* to observe the *Antient Laws* of the *Realm*, established by his *Noble Predecessors*
the

the Kings of England, and especially those of Edward the Confessor (as Daniel tells us:) but it is true too (as the same Historian tells us) He brought in the Customes of Normandy, so that the main stream of our Common Law with the practice thereof (saith the same Author) flowed out of Normandy, notwithstanding all Objections that can be made to the contrary: And it was the Son of this Conqueror (**Henry** the First) who, because (saith the same Author) he would not wrest any thing by an Imperial Power from the Subjects, took a course to obtain their free consents to serve his occasions, in their General Assemblies of the three Estates of the Land, which he first convoked at Salisbury in the Fifteenth Year of his Reign, which had from his time the name of **Parliaments**, according to the manner of Normandy. And in all probability, as this was the beginning of our Kings not raising of Money, so was it likewise of their not making of Laws, but with the consent of the Representatives of their People in Parliament. But whether it began then, or sooner, or later, I am sure it must be the Kings granting of it that made it to be what it is; I mean the legal way of proceeding in order to the making of Laws by our Kings for the Government of their People.

Parliament
first so called
in Henry I.
time.

A most excellent way indeed, but such a one, as whosoever may have been the deviser or advisers of it, it could never have been established as it is, but by the King's voluntary and arbitrary consent to it. I say his arbitrary as well as his voluntary consent to it, because it was in his power:

power (whosoever the King was that granted it first) not to have granted it, if he would.

CHAP. IX.

Mr. B.'s whimsey of an antecedent Compact between the King and People. Their consent to the making of Laws, when ever brought in, a thing of Grant, not of Contract. Their double Capacity, as Mr. B. fancies and States it.

An antecedent compact of the People with the King, a political whimsey of Mr. B.'s.

FOR to think there was any *Government* here in *England* before that of *Kings*, or that the *People*, when they were under no *Government* at all, did or could unanimously consent to be governed by one, whom they should choose to be their *King*, upon such or such conditions, and with such or such limitations, reserving to themselves such or such *Rights*, *Liberties* and *Privileges*, as it should not be in the *King's* power to take from them, and which it should be lawful for them to defend by force, if he attempted to do so; and all this by vertue of an *Original antecedent compact or contract* with their *King*, when they chose him to be so: This (I say) is but a **political whimsey** of *Mr. Baxter's*, who thinks he sees *Visions*, when he doth but dream *Dreams*. For although those that are under

der one kind of Government may change it for another (whether lawfully or unlawfully, for a better or for a worse, I now dispute not) yet for a Multitude that are under no Government at all, (which is Mr. Hobbs his Hypothesis, as well as Mr. Baxter's) to meet all together at one and the same time, and in one and the same place, and then and there, all and every one of them, to agree upon one kind of Government, and upon the choice of the same individual Person or Persons to govern them, I think it (considering the variety and contrariety that there is in several Mens Intellectuals and Affections) to be the next degree to impossible; for to say the Major part did conclude the Minor, is to suppose a Government before there was a Government; there being nothing in Nature (supposing all Men to be originally and equally free) why any one Man should be deprived of his natural freedom without his own consent by never so great a plurality of others that are otherwise minded.

Mr. Hobbs
and Mr. Baxter
agree.

The extreme
unlikelihoood of
the supposition.

The beginning therefore of all Dominion and Government, next to that of the Paternal, was no doubt the subduing of the weaker by the stronger, who governed those whom they had subdued arbitrarily and despotically, as the Romans, Saxons, Danes and Normans, successively did the Inhabitants of this Island, when they master'd them at first, though afterwards they governed them by Laws, but by Laws imposed upon them, and not antecedently consented to or proposed by them.

Our Govern-
ment at first
arbitrary.

H

When

The Bishop of Winton's Vindication

When this way of proceeding was first brought in is not expressly set down, for ought I can find in any of our *Historians*: I am sure it was not so *ab initio*, from the beginning, as appears by the contrary practice during the Government of this *Island* by all the aforesaid *Nations* before the *Conquest*, nor by the *Normans* after the *Conquest*, until the Reign of the aforesaid *Henry the First*, if it were so then; for that is not expressly, (as to the making of *Lays*) recorded neither. But because it is expressly recorded, that it was that King, who did first call together such an *Assembly* as was then first and hath been ever since called a *Parliament* (I mean an *Assembly* consisting of all the *three Estates*, and not of the *Lords Spiritual* and *Temporal* only, as was the Custom in former times) and because his *End* in constituting and calling together such an *Assembly*, was to let the *People* see that he would not take away their *Money* from them, (as his *Predecessors* had done, when and how and to what degree they pleased) but would be content with what the *People* themselves should, by *Representatives* of their own choosing, willingly and freely of their own accord think fit to give him, believing that the *Money* so given, would be as much, and perhaps more, but certainly much more easily raised, and less grudgingly paid, than what might by force, against their wills, be extorted from them. This (I say) being one of the *Ends*, why that wise and prudent Prince did first constitute such an *Assembly* for the more ease and plausible pretence of *raising of Money* by the consent of those

'Tis likely the Custom of not making *Laws* without the Peoples consent began under Henry I. with that other,

of not raising *Money* without their consent.

those that are to pay it, it is more than probable that another of his Ends was to make the People more willing to submit and to be obedient to the Laws (when they were made) by making such a *Constitution* as required the Peoples consent to the making of them, before they were made; which *Constitution* hath been continued ever since.

But that it was at first by *Grant* from the King, after he was actually King, and not by any antecedent *Compact* betwixt the People, before they were *Subjects*, and Him (whom they chose or meant to choose for their King) before he was King, is evident from the unanimous consent and testimony of all our *Historians*, who never make mention of any other form of Government here in this *Island* but that of *Kings*, and of Kings succeeding immediately one to another, without any Interval or Interposition of any other form of Government, wherein the People were at liberty to choose what Government, and what Governours, and upon what conditions they pleased. But as the Governours of this Nation were always *Kings*, so the People were always *Subjects*, and never spoken of in any other capacity but of *Subjects*; which I note, and desire the Reader to take special notice of, to convince him of the vanity and falshood of Mr. Baxter's distinction between the two several *Capacities*, wherein (as he saith) the People are represented by the *Parliament*. For first, saith he, the *Parliament* representeth the People as *free*, and (2dly) as *Subjects*. As the *Parliament* representeth the People as

However it was, it was not by Compact but by Grant.

Mr. B.'s vain and false distinction of two capacities in the People, as Free and as Subjects.

Subjects; so (saith he) they can do nothing but humbly manifest their grievances and Petition for Relief: but as the Parliament representeth the People as **Free**, so they are to secure the People's Rights and Liberties as their Trustees. But what are those Rights and Liberties, that the Parliament as they are the Trustees for the People are to secure to them and to maintain for them? Why such (saith he) as when they were Free, and before they were Subjects, they reserved to themselves by an antecedent Compact or Covenant, upon a conditional performance whereof they were content to become Subjects. For I take it for undeniable (saith Mr. Baxter) that the Government is constituted by Contract, and that in the Contract the People have not absolutely subjected themselves to the Sovereign without reserving any Rights and Liberties to themselves, but that some Rights are reserved by them and exempted from the Princes power; and therefore that the Parliament are their Trustees for the securing of those exempted Rights, and so represents the People as Free, so far as that Exemption signifies.

H. C. p. 459.

Some Rights,
he saith, reserved
by the
People in their
Contract, and
the Parliament
their Trustees.

C H A P. X.

Mr. B's Compact and Reservation of Rights canvassed. The Peoples Rights, by Donation of the Kings. They had no Representatives till Henry the First.

THIS Mr. Baxter saith he takes for undeniable; but I say, and have already proved; that in saying so he is very much mistaken, whether by Government he means all Government in general, or the Government of this Kingdom of ours in particular.

For first, as to Government in general; it is not true that it hath always been grounded upon an antecedent compact or contract, or that the People have not sometimes subjected themselves absolutely to their Sovereigns, without reserving to themselves any Rights, Liberties or Priviledges; for the contrary hereof is so certain and so evident that nothing can be more, as appears by what I have already said, not only of Paternal but of Regal Government, and that not only under the first Kings, *quorum Arbitria pro Legibus erant*, whose wills and pleasures past for Laws, but under all Kings that have ever since and do now govern arbitrarily and despotically, as many do in all parts of the World; none of which can be imagined to have made any.

Government not always founded upon Contract, as Mr. B. saith in it.

any such contract with their People or their People with them, as Mr. Baxter speaks of. The like may be said of Conquerors, and the People subdued by them. If Mr. Baxter replies that it is of such a People as are free and *sui Juris*, at their own disposal only, that he speaks when he saith, that *there is no such People that do absolutely subject themselves unto their Sovereign without reserving any Rights or Liberties to themselves*; I say this is false also, whether he mean that no such People can do so, or that no such People have done so.

A free People,
as well as a
free Man, may
give up them-
selves to be go-
vern'd without
any reservation
of Rights.

For first if a Man that is free may make himself a Servant to whomsoever he will, and such a Servant as shall be wholly at the disposing of his Master, without reserving any thing of Liberty or Propriety unto himself, as we see it was ordinary for Men to do, not only among the Gentiles, but among the Jews themselves; insomuch that some of them chose to continue Bondmen, when by the Jubilee they might have been made free; And why may not any number of Men, (whether they be a City or a Nation) being free and *sui Juris*, or at their own disposing, give themselves up, if they will and think it to be best for them, to be arbitrarily governed by some other more powerful State or Prince without any antecedent compact, condition or reservation?

Several free
People have
done so.

adly, That any free People may do so, it is evident, because some free People have done so: for example, the People of Campania, a Province of Italy, being then a free State, subjected themselves to the People of Rome, in this form of words, *Populum Campanum, Urbemque Capuam, Agros, Delubra*

Delubra Deum, Divina Humanaque omnia, in ve-
stram, (Patres Conscripti) ditionem dedimus: We
 surrender and give up into your power, Lords of
 the Senate, the whole People of *Campania* and the
 City *Capua*, our Lands, the Temples of our Gods,
 in a word, all whatever concerns either Church
 or State, God or Man. *Et quid obstat* (saith *Gro-*
tius) what hinders why any other People may not
 subject themselves and all that they have to any
 one powerful Man or Prince in the same manner?
 Certainly (saith he) there were many *Nations*
 that did so and lived very happily under such a
 Government; so that if Mr. *Baxter* thinks that
 there never was any Government submitted unto
 by any *free People*, but upon an *antecedent contract*
 and a reserve of some *Liberties* and *Priviledges*
 to themselves to be always exempted from the Ju-
 risdiction of Him or them to whom they became
Subjects, He is much mistaken.

But if by *Government* he means the Government
 of this Nation of ours *in particular*, when he saith
he takes it for undeniable, that it was constituted
 by *Contract*, and that in the *Contract* 'the *People*
 'have not absolutely subjected themselves unto
 'the *Sovereign* without *reserving* any *Rights* and
 'Liberties unto themselves, exempted from the
 'Princes power, for the securing of which the
 'Parliament are their *Trustees*. If this be his mean-
 ing I say, I demand of Him first, when was this
 Nation of ours a *free People*, and when was it un-
 der any Government but that of *Kings*? surely
 never since that of the *Romans*, who governed
 them as a *Province*, arbitrarily and despotically,
 by

*Grotius de jure
 Belli ac pacis.*

*Particularly in
 our Govern-
 ment no such
 thing as Con-
 tract or Re-
 servation of
 Rights.*

by their *Lieutenants* whom they sent hither ; and so did their *British, Saxon* and *Danish* Princes for the most part for ought appears in any of our Historians to the contrary, or if some of them governed by Laws, (as *Ina, Alfred*, and some others of the *Saxon* Kings, and *Canutus* the *Dane* did,) yet the *Laws* whereby they governed were all of them made by themselves after they were *Kings*, and not by way of *compact* with their *Subjects*. No more were the *Laws* of *Edward the Confessor* himself, which were the Subject matter of *Magna Charta*, or the great Charter, containing all the *Rights, Immunities* and *Liberties* of the People, but not as *bargained* for by them before their admitting of any of their Kings to be Kings, but *indulged* unto them and *confer'd* upon them by the **Donation** and **Concession** of their Kings ; who partly of their own accord, and partly by the Advice of the *Lords* and *Bishops* of their Council, did make those *Laws* in favour of the People, not only without being aforehand obliged by *Compact* or *Contract* with the People to do so, but without so much as advising with them or any *Representatives* of theirs when they did so ; there being no such *Parliaments*, and consequently no such **Representatives** of the People as there are now, until the Reign (as I said before) of *Henry the First* after the Conquest, for He was the first of our Kings (say our *Chronicles*) that instituted the form now in use of the *High Court of Parliament* : for before his time, only certain of the *Nobility* and *Prelates* of the Realm were called to consultation about the most important affairs of the State : but
he

The Peoples
Rights, not by
bargain, but
by Grants of
their Kings.

The People
had no Re-
presentatives
till Henry I.

he caused the Commons also to be Represented by *Vid. Daniel's Hist. & Baker's Chron.*
Knights and Burgeses of their own choosing, and made that Court (saith the Historian) to consist of three parts, the Nobility, the Clergy, and the Common People representing the whole Body of the Realm. So that before this there were no Representatives of the People of their own choosing, to be their Trustees, for the securing to them their pretended reserved Rights and Exemptions by an antecedent contract or compact made betwixt them and him that was to govern them, whilst they were yet free, and before he was their Governour; and therefore this *Mr. B.'s supposition, a meer fiction.* supposition of such a compact or contract betwixt the King before He was King, and the People before they were his Subjects here in this Kingdom (which Mr. Baxter saith he takes for undeniable) is undeniably a meer fiction of his own Imagination and Invention, and consequently whatsoever is by him grounded upon this supposition is not only fallacious but altogether false and fictitious also.

C H A P. XI.

Mr. B.'s Justification of the late Rebellion from this Compact, &c. The King's Coronation-Oath doth not prove any such Compact, &c. nor can it be proved by any authentick Record. The state of affairs during the Usurpation.

BUT true and undeniably indeed true it is that the People of England have now and have had

The Priviledges
and Represen-
tatives the
People now
have are not
by any antec-
edent Compact.

The Peoples be-
ing represented
in a double ca-
pacity, as Mr.
B. fancies,
made an Argu-
ment by him, to
justifie the late
Rebellion.

had long, for many Generations, even from *Henry the First's* time, such *Priviledges, Liberties and Immunities*, as are contained and specified in *Magna Charta*, and such *Representatives in Parliament* for the asserting of those *Priviledges*, and to see that no *Laws* should be made for them without their consent to them; but that they have or ever had them by an *antecedent compact* with the King before they were his *Subjects*, is that which I affirm to be false; and consequently that *Mr. Baxter's* distinction of the Peoples being represented in *Parliament* in a *double capacity*, namely, either as they are now, that is, as they are *Subjects*, or as they were at first, that is, as they were before they were *Subjects*, is frivolous and fictitious: for they never were, nor are now represented in *Parliament* any otherwise than as *Subjects* only. And as such *Mr. Baxter* confesseth that neither they nor their *Representatives* can do more than complain if they be grieved, and humbly Petition the King that they may be relieved. But as their *Representatives in Parliament* are the Peoples *Trustees*, they do represent them (saith *Mr. Baxter*) not as *Subjects*, but as they were before they were *Subjects*, when as *Freemen* they did contract for the reservation of such *Priviledges and Immunities* unto themselves, which the King was not to violate or take away from them, or if he did attempt to do so, those *Representatives* of theirs as *Trustees* were to do what they could even by force, if they could not by fair means, to maintain and preserve, or to vindicate and recover those aforesaid reserved *Priviledges and Immunities*, and that the *People* were obliged to assist them

them against the King in so doing. And upon this undeniable supposition (as he calls it) he endeavours to justify the late Rebellion; insomuch that he saith he thought he should have been a Traitor to the Parliament, if he had not taken part with them. Holy Com.W.

This supposition therefore being of so very great importance, as that upon the truth or falsity thereof the justification or condemnation of the late War, and consequently of the Bodies and Souls of all those that were engaged in it, doth by Mr. Baxter's own confession wholly depend, he ought to have been very sure, that it had been indeed undeniably true in point of Fact; and that it could by undeniable Records be demonstrably evidenced to be so. For it is not his taking it to be undeniable (as he saith he doth) can prove it is so, or will make it believed to be so; neither are the Oaths of Kings, nor the Charters and Laws, in which they have expressed their consent to govern according to those Charters and Laws, together with the ancient Customs of the Nation, that can prove there was either at first, or at any time since, any such compact or contract, as Mr. Baxter supposeth to have been betwixt the People before they were Subjects, and the King before he was King, and that there were such reserves of such and such Rights and Priviledges antecedently conditioned for by one of the Parties and consented to by the other upon penalty of forfeiture of the Crown upon breaking of the Covenant to such or such a degree, and that the Parliament were to be the Peoples Trustees for the securing of the performance of the antecedent Covenant or Contract, and might make War with

H. C. Thes.
361.

The King's Coronation-Oath doth not prove any such compact or Reserves, &c. as Mr. B. affirms.

the King for the breach of it, and that the People were obliged to assist them in it. All which Particulars Mr. Baxter supposeth to be the subject matter of his supposed *antecedent Compact* or *Contract* betwixt the *Kings of England* and their *People*, and thinks he hath proved it because our *Kings* swear at their *Coronation*, that they will govern according to the *Laws* already made by the Kings their Predecessors, and that shall be made afterwards by themselves in *Parliament*.

*This made out
in three Considerations.*

But *first*, (as I have observed already) Are not our Kings *Kings* before the taking of the *Oath*? Was not our present King so, *de jure*, by right, many years before he came home? and was he not so *de facto*, in fact, as well as *de jure*, by possession as well as by title two years before he was crowned after he came home, and consequently before his taking of the *Oath*?

2dly, Is there any thing in the *Oath* obliging him to the keeping of it, upon penalty of *forfeiture* of his Regal Power and Dignity, or for the discharging of his Subjects from their *Allegiance* to him if he do not keep it?

3dly, Is there any mention or Intimation in that *Oath*, of the *Parliaments* or any other *Trustees* for the People, to judge betwixt them and the King, whether he keeps the *contract* or no, and to question and punish him, if he do not, as the *Ephori* might do, and did punish the Kings of *Sparta*, because indeed they were no *Kings* but *in name* only; and no more than so would our *Kings* be neither, if there were any such *antecedent contract* as Mr. Baxter supposeth there is, or if the *Parliament*

*Mr. B. makes
the King, a
King in name
only.*

ment

ment were such Trustees for the People as he supposeth them to be.

But it is not his *supposing* will serve the turn for the proof either of the *one* or of the *other*; but he must produce *authentick* and *undeniable Records* to verifie and evidence the truth and certainty of both. For example, he must in the first place produce some such authentick undeniable

He hath no authentick Record for such a Contract, as he supposeth.

Record, wherein it is averred that at such a time the People (being then free) did stipulate and contract with him whom they meant to choose to be their King, saying, as he supposeth them to say, *We choose You and your Family successively to rule us on these and no other terms: Accept these terms, or We*

Holy Com. W. P. 377.

accept not you. Upon which Terms consented to by him, and so being chosen by them, he obligeth Himself (saith Mr. Baxter) and all his Successors that will rule, that is, (if they will not be deposed) to rule upon that foundation. And upon some such formal contract as this it is that he takes it for undeniable, that the Government of this Kingdom of ours was at first constituted; which if he could make it appear by any *authentick Record* (as I am sure he cannot) yet that would be but one half of the work he hath to do. For supposing but not granting, that once upon a time, no Man knows when, there was such a contract betwixt the People, whilst they were free, and their King that was to be, that they should have such or such Rights, Priviledges and Immunities reserved to them, and that the King upon breach of his part of the Covenant should forfeit his Right to them; supposing I say but not granting all this to be true; yet if he cannot

H. C. p. 468.

Nor for the
Parliaments
being the Peo-
ples Trustees
for their re-
served Rights.

cannot produce some other as Authentick a Record to prove that the *Parliament* were by that antecedent supposed compact or contract (agreed upon by both Parties) to be *Trustees*, and such Trustees for the reserved Rights and Liberties of the People, as might in case they were to such or such a degree violated by the *King* or his *Ministers*, legally do what the late *Parliament* did (namely, make Laws without the *King*, and make War against the *King*, or those that were commissioned by the *King*) he shall never be able to excuse them from being in the highest degree guilty of a most illegal and insolent and impudent *Invasion* and *Usurpation* of the *Kings* authority in the one, nor of a most Trayterous, avowed, and bold-faced *Rebellion* against the *Person* as well as the *Sovereignty* of the *King* in the other; and consequently that all that assisted them (whether it were with their hands or with their tongues, with their *Swords* or with their *Pens*, with their *prayers* or with their *Purses*) were as arrant *Traitors* and *Rebels* as they were.

Were the Original constitution such, as Mr. B. makes it, the King would not be sole Sovereign nor Sovereign at all.

Whereas if Mr. Baxter can make it evidently to appear that there was such an *Original constitution* of Government by such a compact or contract betwixt the *People* on the one part, and the *King* and his Successors on the other part, and that by virtue of the said Original constitution the *Parliament* was appointed and agreed on by both Parties to be such *Trustees* for the People, as he saith the *Parliament* was, we are now speaking of; and that they might legally do what that *Parliament* did, for the discharging of their *Trust*; If he

he can make this, I say, evidently appear from any *authentick Record*, I must and will confess that the Government here with us is indeed no *Monarchy*; and that not only for the reason given by Mr. Baxter, because the *whole Sovereignty* is not in *one Person*, namely in the King, but partly in the King, and partly in the *Parliament*; but also because (according to Mr. Baxter's supposition) the *Sovereignty* is not at all in the King, but wholly in the *Parliament*, as it was in the *Ephori* in *Sparta*, and as it is now in the *Senate of Venice*.

But thanks be to God it is not come to that yet, though it were once very near coming to it, when they had gotten an *Act* to sit as long as they listed, and took upon them to make *Laws*, to raise *Money*, and to make *War*; and consequently to play *REX* (as we say) by exercising all the *Acts of Sovereignty*, and by pressing the King to divest himself of them, by making another *Act* not only to justify what they had done, but to enable them to do the same things for *one and twenty Years* more. And by that time the *Monarchy* would have been like an *old Almanack* worn out of date, and either an *Aristocracy* or rather a *Democracy* not only set up, but settled instead of it, as we saw it was as soon as the *Monarchy* by the Murder of the then Monarch seemed to be quite down; the *House of Commons* assuming and usurping to themselves the whole Government of the Kingdom *without King or Lords* (which the *Lords* as well as the *King* ought to remember) calling themselves a *free State*, and behaving themselves as such both at home and abroad for the short time of their

A brief account of the Government and its changes, during the Usurpation, till the Kings Return.

Raign;

Raign; which was until their *Servant* made himself their *Master* by making use of that *Army* for the pulling of them down, which they were forced to keep in pay at the excessive charge of the People for the keeping of themselves up. And then *They* and the *People* too saw and felt the difference between a legitimate and *legal Monarchy* and the despotical Arbitrary Government of an *Usurped Tyranny*, which made them wish and pray and long for the Return of the *right Heir*, and the restoring of the *right Government*, having found by woful experience that every *change* they had made, was first from *good* to *bad*, and then from *bad* to *worse*, and lastly from *worse* to *worst* of all (I mean the *Rump-Parliament*) that so having made tryal of them *all*, they might be the more careful to hold fast the *best*, if God should be pleased to restore it to them again, which in his infinite goodness and mercy he hath done, and that in a strange and almost miraculous manner by making the *Thieves* fall out amongst themselves in dividing of the spoyl, that so the *true Owner* might have, what they robb'd him of, again.

The End of the Fourth Section.

S E C T.

SECT V.

An Expedient proposed for the preservation of our Government and Religion, as now by Law Eſtabliſhed, from Arbitrary Power and Popery or Preſbytery, &c. without Excluſion of the Right Heir.

CHAP. I.

People bugbear'd with Popery and Arbitrary Government. The Priviledges of Engliſh Subjects by the Favour and Grants of their KING S. Their Representatives in Parliament. Grotius thwarts Mr. B. in his main Principle.

AN D now one would have thought that being ſo lately delivered from ſo baſe and ſhameful as well as heavy and grievous a Bondage, we ſhould not ſo ſoon have forgotten what we ſuffered under a Succeſſion of various Tyrannies, nor ſo ſoon have been weary of our Quails and Manna, as to be ſo deſirous, as many of us ſeem to be, to return to the ſame, or perhaps (if it be poſſible) to a worſe Bondage than that they were under before; and to that end

K

there

*A ſerious Ex-
poſtulation
with people for
their uneaſi-
neſs.*

Numb. c. 14.
v. 4.

No reason for
it.

there be some that do as good as say one to another, as that rebellious backsliding and ever-murmuring Generation of the *Jews* did; *Let us make us a Captain, and let us return into Egypt.*

And why so? why so soon so weary of well-being? Is there any Nation under heaven in a better, nay in so good a condition as we are? Are not we the only People of *Europe* that are in *Peace*, when all our Neighbours are in War with one another? Doth not every one of us from the highest to the lowest enjoy the *Liberty* of his person, the *Propriety* of his goods, and the fruit of his *Industry*, without having any of it without his own consent taken away from him? So that if ever it might be said of any, it may now most emphatically be said of us; *Happy are the people that are in such a case.*

The pretended
ground of it.

Yes! may some men say, if we were sure to continue always as we are; but we are afraid we shall not; we are afraid of *Popery*, we are afraid of *Arbitrary Government*, which may take away all we have from us, that is or ought to be dear to us.

The ill effect of
causeless fears.

But why should we fear, where no fear is? Is not our *Religion*, our *Liberty*, and our *Properties* secured unto us by the *Laws*? and by such *Laws* as can never be repealed but by our own consents? Did not such a needless fear as this make us *rebell* against our late Gracious Sovereign *Lord the King*, and by that *Rebellion* make our fellow Subjects, nay the basest and vilest and meanest of our fellow Subjects, to be Lords over us? And if ever we come into such a slavery, or any slavery

slavery at all again, it must be by such a *Rebellion* produced by such a pretended fear, or by a *Foreign Invasion* invited by our divisions amongst our selves, that must be the cause of it.

Never was there a better *Constitution of a Government* than ours is; nor ever was there better security for the keeping of it as it is, than we have. Never were there *Subjects* that had more and greater, or so many and great *Privileges* as the Subjects of *England* have; neither do our *Kings* deny them to be of right due unto them, as appears by the late *Kings* answer to the *Petition of Right*; but due unto them not by *capitulations* and *contracts* with them, before they were Subjects; but either by *Donations* or by *Concessions* of our *Kings* to them, when they were and as they were their Subjects.

The Constitution of our Government.

The Subjects Rights and Privileges.

Neither is it denied, but that the *People* now have and of right ought to have *Representatives in Parliament* of their own choosing. But that this was not nor could not be always so, and that it was by the *Kings* meer Grace and favour when it first began to be so, appears by what I have already observed concerning the first *Parliament* (properly so called) here in *England*, instituted by *Henry* the first, and as *Daniel* (one of the most judicious of our *English Historians*) tells us, after the manner of *Normandy*.

Their representatives in Parliament.

But that ever since it hath bin so I deny not neither; namely, that the *People* have had, have, and ought to have such *Representatives in Parliament* of their own choosing, but to represent them, not as they were (no body knows when)

The Bishop of Winton's Vindication

*The duty of
those Repre-
sentatives.*

*How to act as
Trustees also.*

as *Freemen* before they had Kings or were under any Government at all, but as they are now and have been ever since, and were long before there were *Parliaments*, I mean as *Subjects*, and consequently such as Mr. *Baxter* confesseth have no other lawful way of redressing their Grievances, if they have any (though never so great or so many) but their *Representatives* complaining and petitioning the King for the relief of them; and that either by desiring him to put the Laws in execution, already made in favour of them (as they did in the late Kings time by the *Petition of Right*) or to Enact (if need be) new Laws for explanation and confirmation of the old ones, or to punish those, by whom the Legal Rights and Priviledges of the People have been Violated. All this I grant the *Peoples Representatives in Parliament* may, and if there be cause for it ought to do, and that not as they are the *Peoples Representatives* only but their *Trustees* also: nay and more than this, namely, not to promote or give their consent to the making of any such *Laws* as may be prejudicial to the publick, though they may seem to gratify, or may seem to be serviceable to the People; nor to hinder the passing of such *Acts* as are really for the *Peoples* good, though perhaps to the *Major*, that is, the most unwise and least judicious part of the People themselves, they may seem to be otherwise. And therefore their *Representatives* and *Trustees* as they are to consent or dissent, so are they to judge for them what is or what is not to be consented to by them in behalf of them. They are not always
the

the best *Husbands* for the People that are most sparing of their Purfes; especially when the refusing to part with some may hazard the loss of all. Neither is every thing that is got from the *King*, a gain to the *Subjects*; for the *King's* power may be too little to protect, as well as too great, to oppress them; and according to the present conjuncture, the former is much more to be feared than the latter: And therefore the best service that can be done for the People by their Representatives in Parliament is to keep the *Balance* even betwixt the *Prerogatives* of the *Sovereign* and the *Priviledges* of the *Subject*, by not endeavouring to intrench upon the one or to enhance the other, but always and above all things to remember that as they are themselves *Subjects*, so they are *Representatives* of *Subjects*, and *Trustees* for *Subjects*, as they are *Subjects*; and therefore are not to treat the *King* as if they were *Coordinate* or *Copartners* with him in the *Sovereignty*: but as it becomes *Subjects* and the *Representatives* of *Subjects*, and such as have the honour of being there in that capacity, and have the liberty of promoting or hindring the *Laws* that are to be made for those they represent, from the meer *Grace* and *Favour* and *Goodness* of the *King* and his *Predecessors*; and therefore the *King* is not by them, nor by those they represent, to be esteemed to be less a *King*, or less their *King*, or less their *Sovereign*, than he was before; no more than a *Father* is less a *Father* or hath less the *Authority* of a *Father*, the kinder and more indulgent he is unto his *Children*; or a *Husband* hath.

An even Balance to be kept betwixt Prerogative and Priviledge.

The King compared to a Father and a Husband.

hath less of the Authority of a Husband the kinder or more indulgent he is to his Wife.

Two observations of Gro-
tius,

De jure Belli &
Pacis, cap. 3.
p. 81.

Ib. p. 83.

Applied to
Mr. B's. main
principle.

How it came
that Laws are
not to be made
without a Par-
liament.

And therefore it is well and prudently observed by *Grotius*, first, *Non desinere summum esse imperium, etiamsi is qui imperaturus est, promittat aliqua subditis aut Deo, etiam talia quæ ad Imperii rationem pertineant.* "Sovereignty or Sovereign power doth not cease to be Sovereignty or Sovereign power, though the Sovereign do restrain himself, either by promise to his Subjects, or by Oath to God, even in such things as are essential to the Government; And therefore (Secondly) he observes likewise that, *Multum falluntur qui existimant, cum Reges Acta quadam sua nolunt rata esse, nisi à senatu aut alio cætu aliquo probentur, partitionem fieri potestatis.* "They are very much deceived (saith he) that think that because there be some Acts that Kings will not have to be ratified, unless they are approved or consented to by a Senate or some such assembly, that therefore there is a partition of the Sovereignty. Mark that, Mr. Baxter, and tell me whether any thing can be more apparently contradictory to your **Main Principle** of the *Sovereignty's* being divided, betwixt our *Kings* and their *Parliaments*, and to the main and only reason you give for it, namely, that our Kings do not, (or, if you will, cannot) make *Laws* for the People without their *Parliaments*, or without the Peoples Representatives in Parliament consent to them. For the only reason why they cannot is, because they have obliged themselves by promise to their People, and by Oath to God at

at their *Coronation*, that they will not. For *ab initio non fuit sic*, from the beginning of our *Englisb Monarchy* it was not so, as I have at large shewed, and as I have proved likewise that this and all other *Priviledges* of the People had their beginning from the bounty and goodness of our Kings to their People, *when* they were their Subjects; and not from any bargain or contract of the People, *before* they were Subjects, with any of their Kings, as Mr. Baxter fondly as well as falsely imagins, without any proof or offer of proof out of any of our *Historians* or *Records* for it. Whereas the truth is, that all our Kings, except the *Brittish* (of whom we know nothing of certainty,) I mean all our Kings of the *Saxon*, *Danish* and *Norman* Races, coming in by Conquest, were not only *Monarchs*, but *Despotical Monarchs*, that is, such as governed arbitrarily without any *Laws* at all but that of their own will and pleasure; or by such *Laws* as they made with or by the advice of such as they thought fit to advise with, which were never any of the common People, or any Representatives for them, until after the *Norman* Conquest. And then indeed the *Despotical* began to be a *Political Monarchy* by Henry the first's constituting of such a *Parliament* as we now have; and by his *Successors* granting and confirming the *Great Charter*, and by all of their obliging themselves successively to continue to the People the *Priviledges* granted unto them by that Charter; and to govern by such *Laws* as have been made by their *Predecessors*, or shall be made by themselves with the consent of the Peoples.

when our Monarchy began to be Political.

Yet still a Mon-
archy.

Peoples Representatives in *Parliament*. By these Grants I say and concessions and condescensions of our former *Kings*, and by the confirmation of them by their *Successors* &c. the *Monarchy* which was at first *Despotic*, is become *Political*, being changed from an absolute and arbitrary to a regulated and Legal Government; yet so as it is still a *Monarchy*; that is, it is still, the Government of one over all, and one who is accountable to none under God; which are the only essentials requisite to the constituting of *Monarchy*; the Governing Arbitrarily or Legally, with, or without Laws, being but *Accidentals* to it only.

CHAP. II.

The English Government, a Monarchy, however managed. The excellency of our Constitution set forth.

A mistake in
Polybius.

Grotius de ju-
re Belli & pa-
cis, lib. 1. cap.
3. Sect. 19.

NO more is the subordinate *Managery* of it in such a manner as may seem to have something of *Aristocracy* or *Democracy* mingled with it, which, saith *Grotius*, was the cause of *Polybius* his Error; *Qui ad mixtum genus reipub. refert Romanam rempub. qua illo tempore, si non actiones ipsas, sed jus agendi respicimus, merè fuit popularis.*

popularis. 'Who will have the Roman Common-
 'wealth to have been a mixt form of Government
 'when it was meerly popular or *Democratical*, be-
 'cause he looked at the managery of it only, and
 'not at the Authority whereby it was managed;
 'not considering that both the Authority of the
 'Senate, *quam ad Optimatum regimen refert*, which
 'Polybius refers to an *Aristocratical*, and that of
 'the *Consuls* also, which he refers to a *Regal* or
 'Kingly kind of Government; *subdita erat Popu-*
 '*lo*, were at that time equally subject unto the
 'People; and consequently notwithstanding this
 'shew of mixture in the managery of that Go-
 'vernment, the Government it self was not a
 'mixt Government in relation to the Sovereignty
 'of it, or to the fountain of Power in it, which
 'gives not only the formal denomination, but the
 'Essential specification to all Political Govern-
 'ments whatsoever: Grotius therefore, what he
 saith of the error of Polybius in judging the Ro-
 man to have been a mixed Commonwealth when
 it was not, will have it be understood of all those
 Writers of *Politicks*, who upon the same grounds
 are mistaken, as Polybius was. For *idem de alio-*
rum Politica scribingentium sententiis (saith Grotius)
dictum volo, qui magis externam speciem & quotidi-
anam administrationem, quam jus ipsum summi Im-
perii spectare congruens ducunt suo instituto. What
 I said of Polybius, saith he, 'I would have to be
 'understood of other Writers of *Politicks*, who
 'think the looking at the outward and ordinary
 'administration of Affairs, rather than at the right
 'it self of the Supreme Power, to be more agree-

We are to judge
 of a Govern-
 ment, not by the
 Managery, but
 by the Sovere-
 raignty of it.

Ib.

This Rule applied to the English Monarchy.

'able and conducing to their end in writing, (that is) to the derogating from the Supreme Power of *Monarchy*, either by imbasing it with the mixture of some less noble *species* of Government with it, or to weaken and enfeeble it by dividing of it. For what other can be the meaning of these words of *Grotius* than this, either as they are in the Text, or in relation to the context? And if this be his meaning, what could he have said more pertinently to prove the Government here in England to be a mere *Monarchy*, and consequently the *Sovereignty* to be wholly in one person, notwithstanding any thing Mr. *Baxter* hath said or any man else can say to the contrary.

And that it is not now, as it was at first, an absolute arbitrary and *Despotical*, but a regulated legal and *Political* Monarchy we owe to the meer grace and favour of our Kings; and I wish that as it was *gratia gratis data*, a grace freely given, on their parts; so it may be *gratia gratos faciens*, a grace that may make us grateful, on our parts also.

The happy condition of English Subjects.

And certainly it would be so, if the Subjects of England did but know or would but consider in how much more happy a condition they are or may be if they will, (and would be if it were not for their seditious *Preachers*) than any other Subjects in the World are, or ever were, I had almost said or indeed can be, under what Government soever, if they be not situated as we are: Because no Government upon the *Continent* can be safe from being suddenly invaded and over-run by its confining Neighbours, if he or they that have

have the Supreme Power be not enabled to raise such Forces and Mony to pay them without staying for the advice or consent of his or their Subjects, as may be sufficient to defend them from their *Enemies*, and which being raised may be made use of for the oppressing of their *Subjects*: Whereas we being *Islanders* intrenched and surrounded by the *Ocean*, and consequently not being in danger of being suddenly surprized and over-run by any from abroad, our Kings have obliged themselves to raise no Mony (without which no formidable Forces can be raised and maintained) by any *Taxes* or Impositions upon their Subjects without their own consent in *Parliament*, thereby securing both the liberty of their Persons, and Property of their Goods unto them, and that they shall never be put to any charge but for the necessary defence of themselves, and for their own safety and welfare, as well as for the Honour of the King and their Country.

This, together with many other *Priviledges* which the Subjects of this Kingdom have above all other Subjects in the World that I know or ever heard of, made me presume (when I was One of the four first that was appointed to preach to the *House of Commons* of the *Long Parliament* in the late King's time) to tell them and to endeavour to prove unto them that the *Constitutions* both of *Church and State*, as they were here by *Law* established (abstracting from the ill managery which might be in either through the faults or frailties of some particular men) were both of them the best in their kind that were in

An Account of a Sermon, the Bishop preached before the Long Parliament, in commendation of the English constitution, both in Church and State.

the Christian World: that of the *State* for the reasons before specified, and that of the *Church* because it was the only Church (now extant) that professed and maintain'd both the *Apostolick Doctrine* and *Apostolical Government*: All other *Christian Churches* in the World, *East, West, North, and South*, failing either in the one or in the other, or both of them; and besides, because the Government of our *Church* was more agreeable with *Monarchy*, and with such a Monarchy as ours is, than either *Popery*, or *Presbytery*, or *Independency* is, or any other that can be devised by the wit of Man is or can be. And therefore I did hope they would not think of making any change or alteration in the legal and fundamental Constitution either of *Church* or *State*, but only to rectifie what they should find to be otherwise than according to the *legal Constitution* it ought to be in either of them, by causing the *Laws* of the one and the *Canons* of the other to be put in execution. This I say I presumed to preach to the then *House of Commons*, as fearing there were many amongst them that were given to change, though not such and so horrible a change as they made afterwards both in the *Church* and *State*: For truly could I have foreseen, and had told any of their Grandees then (though it had been *Cromwel* himself) as the Prophet *Elisba* told *Hazael* that he and those that joyn'd with him should do such things as afterwards he did, he would I believe have answered me as *Hazael* did the Prophet, What, do you think I am a Dog, that I should do such horrible and barbarous things

things as you speak of? And yet both of them I mean *Hazael* and *Cromwel* did such things afterwards; so dangerous a thing it is to leave the Road and to wander in by-paths: For as *Grotius* well observes, *Verissimum illud, omnia incerta esse simul ac à jure recessum est*: No man knows whither he is going when he is once out of the right way, nor whither the Devil may drive him, when he will not be led by Gods direction. And therefore I concluded, that in my humble opinion the best and wisest prayer that any could make unto God in the behalf of this Church and State, was, that if either of them had swerved from what it was or ought to be according to its legal constitution, it might be reduced to its right frame and temper according to the standard; and that never Alteration or Innovation might be made in the fundamental constitution of either of them.

And this Declaration I thought my self obliged in conscience to make, though I knew well enough that many of my *Auditors* would be displeased with it, as indeed they were, as I found by their usage of me afterwards, though then it was too early to make any shew of it; and therefore I was presented with a Piece of Plate with this Inscription, *Donum Populi Anglicani*, as the other first three Preachers were, but not desired, as they were, to print my *Sermon*.

I repeat this matter of fact to let the World know that, though I was then by some thought and said to be a *Puritan*, as I am now by others thought and said to be a *Papist*, I was then, and ever.

The reason, why, this Account is given.

ever had been, as I am now ; and am now as I was then, and by the grace of God ever will be, a *true Son* of the *CHURCH* of *ENGLAND*, as it was then and is now by Law established; and consequently a *loyal Subject* to the *King*, whatsoever either *Papists* or *Presbyterians* may think, or rather make others believe they think of me. I am sure mine own conscience bears me witness, that I was always what I pretended my self to be, and all that knew me heretofore, and do know me now (whether *Protestants*, *Papists* or *Presbyterians*) will I am confident bear me witness that I was always as I am now both in *judgment* and *practice*, in relation both to the *Secular Government* of the *State* and the *Ecclesiastical Government* of the *Church*, and to the *Monarchical Government* over them both.

Church and State both subject to the Monarchy.

Over them both I say ; for there being two main parts or members of every *Body Politick*, and consequently of *Monarchy* (especially amongst *Christians*) namely the *State Civil* and the *State Ecclesiastical* ; if both these Parts or States of the *Body Politick* be not governed in chief by one and the same Person, they cannot be said to be parts or members of the same *Monarchy*.

CHAP. III.

A like danger to Monarchy from Popery and Presbytery. Our Church-government justly commended. Division-mongers or Separatists is justly censured.

BOTH these States are not nor cannot be governed by one and the same Person, where the State Ecclesiastical or Government of the Church is either Popish or Presbyterian; because the State Ecclesiastical, if it be Popish, will be governed in chief by none but the Pope; and if it be Presbyterian (Presbyterian I mean in the height, as it was in Scotland, and would have been in England) it will be governed in chief by none but it self; the one, to wit Popery, introducing another Sovereign; and the other, to wit Presbytery, introducing another Sovereignty into the same body Politick, and consequently they are both of them destructive unto Monarchy.

Popery and Presbytery both destructive to Monarchy.

Neither can a Prince be Sovereign so much as in civilibus, in civil affairs, as long as another besides himself (either abroad or at home) doth claim and exercise a Sovereignty over the same Subjects, though it be but in Ecclesiastical, in Church-affairs only.

Because those that pretend to a Sovereign Power in Ecclesiasticals, (as indeed both the Conclave and the National Synod do pretend) must needs

needs pretend likewise to a Sovereign Power of judging what is *Ecclesiastical*, and consequently by affirming what they please to be *Ecclesiastical*, they may govern how they please even in those things that are merely *Civil* also.

Two Supremes
in one King-
dom incon-
sistent.

So that supposing two distinct Supreme Judiciatories, one *Civil* and the other *Ecclesiastical* in the same Body Politick or in the same Kingdom, (as there must needs be, if the Government of the Church be either *Popish* or *Presbyterian*) there cannot choose but be perpetual clashing betwixt those two *Jurisdictions* and the abettors of them, the one continually either affronting and undermining, or being affronted and undermined by the other.

And then let it be considered how the *People* in the mean-time (who in several respects must be supposed to be equally subject to them both) must needs in case of contrary commands (there being no *Appeal* from the one unto the other) be distracted and confounded betwixt them both; it being impossible (as *Christ* himself tells us) for a man to serve two *Masters*, of the which one is not subordinate unto the other; and as impossible likewise it is (as the same *Christ* tells us) for a *Kingdom* divided within it self, and consequently against it self (as every Kingdom having two *Sovereign Powers* in it at the same time must needs be) to stand, that is, to continue firm and stable without falling at one time or other into such terrible Convulsions of Schisms, Factions and Seditions, as will finally bring it to Dissolution.

Many

Many sad *Instances* of this truth we read of in our *Chronicles* whilst the usurped and exercised *Ecclesiastical Supremacy* in this Kingdom was in the *Papacy*, but none so sad, as those we our selves have seen and felt of late, whilst the *Presbytery* exercised in *Scotland*, and in *England* laid claim to, the same power. For indeed *Popery* and *Presbytery* (though they look divers ways with their Heads;) yet they are tied together like *Samson's* Foxes by their Tayles, carrying the same Firebrands of combustion, wheresoever they come, I mean the same Principles of *Sedition* and *Rebellion* against Sovereign Princes and Estates, if they will not be ruled by them.

History and Experience have taught us the inconvenience of the one and the other.

And therefore as our Kings *Predecessors*, to redeem themselves and their People from the slavery of the *Papacy*, did wisely and courageously drive out *Popery*; so it is not to be doubted but his Majesty that now is, to prevent the same or a worse bondage to the *Consistory*, will with the same wisdom and courage keep out the *Presbytery*; as being indeed where it governs in chief (as it would do wheresoever it is) a bondage by so much worse and more ignominious than *Popery*, by how much worse it is to be subject to many Tyrants than to one, and by how much less it is ignominious for a King to be a Vassal to a foreign Prince, than to all or any of his own Subjects.

No fear of either's Return.

But thanks be to God, we have no reason to fear that either our *King* or *Parliament* will ever think of introducing either *Popery* or *Presbytery* to be predominant here amongst us, having had so sensible an experience formerly of the

*A just commen-
dation of our
Church-Gov-
ernment.*

and lately of the *other*; especially being already possessed, as we are, of such an **Ecclesiastical Government**, as was instituted by *Christ* and his *Apostles*, universally received and approved by the *Primitive Christians*; and by *Law* established amongst our selves: a *Government* pretending to no power at all above the King, nor to no power under the King neither but from him, and by him, and for him: a *Government* enjoying *active* obedience to all lawful commands of lawful Authority; and *passive* obedience when we cannot obey actively, forbidding and condemning all taking up of Arms *offensive* or *defensive* by Subjects of any quality or in any capacity against their *Sovereign* (whatsoever he be either in regard of his *Intellectuals*, or his *Morals*, or his *Religion*) in any case, upon any pretence, or upon any provocation whatsoever: Finally, such a *Government* as hath no relation to any foreign Prince or State to protect or assist it from abroad, nor any foundation in the Body of the Common People to rise up for it or with it at home; but having all its dependence under God upon the *Crown*; and all its security in and by the *Law*; and consequently if at any time it happens to transgress against either, (as some times by the faults or frailties of particular men, I will not deny but it may) yet even then or in that case it will easily be corrected and reduced into order; and that by the ordinary course of Justice, without charging the Subject or endangering the Peace of the Kingdom by levying a War to suppress it; and without fear of an *Invasion* from abroad, or an *Insur-*

Insurrection at home in defence of it ; which cannot in the same case be probably affirmed of either of the former.

Having therefore such an excellent constitution of Government both *Civil* and *Ecclesiastical* as we have, and both of them by *Law* established, that which we have to do in the first place, is to be thankful to God for it, who hath not dealt so with any other Nation, and then not only to live quietly and peaceably and contentedly under it for the present ; but to do what we can in our several places and stations for the upholding and perpetuating of it, that our Posterity may have cause to bless God for it and for us also. And to that end in the first place *to mark those* (as the *Apostle* advises us *) *that make divisions* amongst us, by libelling the Government either of the *Church* or *State*, either in their Pamphlets, or in their Pulpits ; and to mark them so, as to set a *Mark* upon them, as men not to be followed but avoided by us, though they pretend never so much care of us or kindness to us. For such as these they were, who (as the *Apostle* tells us in the aforesaid place) did *then* as these do *now*, διὰ τῆς χρηστολογίας καὶ εὐλογίας ἐξαπατᾷν τὰ καρδίας τῶν ἀπλῶν, *by good words and fair speeches deceive the hearts of the simple.* And the way not to be deceived by them, is, not to hearken to them, by resorting to their illegal *Conventicles*, and forsaking our own Legal *Assemblies* and *Congregations*, as the manner of some is : (*Hebr.* 10. 25.) And what manner of Men those are that do so, another *Apostle* tells us, *They are murmurers, complainers, walking after their*

What duty we owe to such a Constitution.

* *Rom. c. 16. v. 17.*

A mark to be set upon Dividers.

The Character of Separatists. Ep. Jude, v. 16.

V. 19.

They are sensual.

* 1 Cor. 3. 4.

what Spirit is
it guides them

own Lusts, and their mouth speaketh great swelling words, having mens Persons in admiration because of advantage. Whereunto, to compleat the Character of them, he adds, **These be they that separate themselves, sensual, not having the Spirit**; which is as much as if he had said, though there be none that do more or do so much pretend to purity or having the Spirit as the Separatists do; the only cause of their separation being, as some of them say, the sensuality and want of the Spirit in those from whom they separate: yet indeed the cause of their separation is because themselves are sensual, and have not the Spirit, or because they know not what Spirit they are of; for as there be many kinds of Spirits, so there be many kinds of sensuality also; for Pride, and Envy, and Malice, and Slander, and especially speaking evil of Dignities, and covetousness, and every other inordinate or immoderate Affection are sensualities, as well as carnal Lust and Drunkenness; and so is Separation it self also. For when one saith I am of Paul, and another I am of Apollos, are you not carnal? saith the Apostle*. And are not (say I) all that are carnal, sensual? So that it is not Mens saying or thinking they have the Spirit will prove they have the Spirit; nor their calling themselves the Godly Party, will make them to be the Godly party; but their very being of a Party proveth them to be Schismatics; and their being Schismatics proveth them to be ungodly. I am sure every one of the Parties appropriating the Spirit unto it self, and being so divided as they are both in Doctrine and Worship amongit

amongst themselves, is a demonstration that they are not inspired or guided by one and the same Spirit; or that they have not the Spirit of Unity, nor consequently the Spirit of Sanctity, nor of Holiness neither, how boldly or boastingly soever they may pretend to it. But *Mundus vult decipi*, the World hath a mind to be deceived: for as long as there are Broachers of lies, there will be Believers of lies; for as the *Father of lies* tempts some to be the Teachers, so he tempts others to be the Believers of them. And therefore unless the Spirit of falsehood and division and sedition, be by the Spirit of truth of unity and of concord, cast out of them, that seem to be possessed with him (which is above all things to be wished and prayed for) or those that are so possess be kept from infecting others by teaching and printing with that intolerable licence as they do, and have done for so many years together, we are not to expect to be long without another *Civil War*; and whether the effects of that will not be as bad or worse than the former, no man can tell: I am sure we are not always to expect miracles; I mean such a miraculous deliverance as we have once had from so many several sorts of arbitrary and Tyrannical Governments as that *War* brought us to, or rather as we our selves brought our selves to, by that *Rebellion*, and as such a rebellion as that was may, and nothing but such a rebellion as that was can (probably and humanely speaking) bring us to again.

The ill Consequence, if that Spirit be not restrained.

C H A P. IV.

An Expedient proposed to secure the Government both in Church and State, viz. some such Law, as the Scotch Test. The Heir of the Crown's being a Papist or a Presbyterian, &c. comes much to the same pass.

The late example of the Scots recommended.

FOR the preventing whereof, why should not we follow the example of the *Scots* in that which is *good*, as well as we did follow their example in that which was *evil*? We took such a *Covenant* as they did, in order to the making and helping us to make such a *War* against our King and theirs, as they did, and for the *alteration* of the *Government* and *Religion* established by Law in both Kingdoms. And why should not we make such a *Law* as they have now made for the *preservation* of their *Government* and *Religion*, as it is now by Law established amongst *them*? why should not we, I say, make such a *Law* for the maintenance and preservation of the *Government* and *Religion* established by Law amongst *Us* also? I mean such a *Law*, whereby all *Men* are disabled and made incapable of any *Office* or *Place* of *Power* and *Trust*, either *Military* or *Civil* or *Ecclesiastical*; as likewise of being chosen themselves, or of choosing others, to be *Members* of *Parliament*, as will not take such a *Test* and *Oath* as

Their Test.

Vid. the Acts and Laws made in Scotland, when the Duke of York was the Kings Commissioner there. See. 1681.

as they have taken in *Scotland*; that is, never to give their consent to the Alteration either of the *Religion* or of the *Government* either in *Church* or *State*, as it is there by Law established. Such a Law as this, and no worldly means but such a Law as this, will secure us and our Posterity from all that we fear or pretend to be afraid of; especially from *Arbitrary Government* and *Popery*, and from *Presbytery* too. For the **Heir of the Crown** may be a *Presbyterian*, or an *Independent*, or an *Antinomian*, or an *Anabaptist*, or a *Socinian*, and may be every whit as great a *Zealot* and as much a *Bigot* in any of those persuasions, as any *Papist* can be in his; and consequently be as zealous and industrious to promote, bring in, and set up his *Religion* for the Only or at least for the Predominant, Religion of the State, as any *Papist* can be to bring in *Popery*; and consequently to suppress all of any other persuasion but his own, and that perhaps with as bloody a *persecution* as ever any *Papist* did, when he hath as much power to do it.

The Heir of the Crown being a Presbyterian, &c. all one case, as his being a Papist.

Of this One of the *Sects* hath given us proof more than enough already, I mean the *Presbyterians*, who for the setting up of their *Dagon* instead of the *Ark* of God, and for the abolishing of *Monarchy* in the State as well as *Episcopacy* in the Church, entred into that **Antichristian League and Covenant** with the *Scots*, whereby both Nations were engaged in a bloody War with and against one another, of which the execrable effects, as no *Act of Oblivion* can ever make to be forgotten, so can they never be remembered without

Just Reflections upon the Presbyterian Covenant.

horror,

horror, nor indeed should be remembred without detestation of the *procatartical* or promoting causes of it ; of which the most principal and most energetical was that *Presbyterian Solemn League and Covenant*, for the setting up that Idol of theirs, the *Presbyterian Government*; for which they were so peremptorily and pertinaciously zealous and ambitious, that in all their *Treaties* with the late King, one of the conditions of *Peace* always was the abolishing of *Episcopacy*, and setting up *Presbytery* instead of it; without consenting whereunto, and without taking of the *Covenant*, as the *Scotch Presbyterians* did refuse the late King, so the *English Presbyterians* would, if they might have had their will, have refused the present King to reign over them ; as might be made appear by the Consultation had amongst the *Grandees* of that Party to that purpose, till they found it would be in vain to stand upon such terms, the Noble and never to be forgotten General, the late Duke of *Albemarle*, being resolved to bring in the King as a King, without condition ; and therefore as well for that, as for his whole most prudent as well as loyal and couragious Conduct in that great affair, I think that which was said of *Fabius Maximus*, may be as properly and truly verified of him.

General Monks
conduct prais'd.

Unus homo nobis cunctando restituit rem.

That is, One Man by his wary conduct hath restored our State and welfare.

And I wish it were engraven in Golden Letters upon his Tomb, *ad sempiternam rei memoriam*, for an everlasting Memorial.

But

But to return unto what I was speaking of; what I have said already is enough to prove, that a *Presbyterian Heir* of the Crown would do what he could to bring in and set up the *Presbyterian Government*, (which can no more consist with *Monarchy* in the State, than it can with *Episcopacy* in the Church) and make us all *Presbyterians*; as well as a *Papish Heir* would to bring in *Popery*, and to make us all *Papists*. And that they would not suffer any that would not conform to them, and comply with them is evident, not only by what they did against us, that were as they call'd us *Cavaliers* and *Malignants*, but against their own *Brethren in Iniquity*, the *Independents* and all the rest of the *Seſtaries*, their *Fellow-Rebels* against the King, and *Companions in Arms* against Us; all of whom they would have suppressed as well as they did Us, if it had been in their power to do so; as appears by their *Books*, *Sermons* and *Addresses* to that (which they call'd a *Parliament*) against them.

The Seſtaries will not indure Us nor one another.

And what the *Presbyterians* did against us, and would have done against the *Independents* by the *Parliament*, the *Independents* did against them by the *Army*. And so no doubt would any other of the *Schismatical Parties* have done against all the rest that were not of their persuasion, if they had got the power into their hands.

But none of them (may some of their Friends say) would have been so cruel as the *Papists*, who hold it not only lawful but meritorious to put *Hereticks*; that is, all that are not *Papists*, to death.

They and the Papists much alike, as to cruelty.

The Bishop of Winton's Vindication

Did not the *Presbyterians* and *Independents*, and the rest of the *Seſtaries* that joyned with them in the War against the King, think so too, when they kill'd as many as they could of the *Royal Party*, and when their Preachers encourag'd them to do so, which he that doubts of let him read *Evangelium armatum* for his conviction.

But that they will say was but in the heat of blood, whilst the War lasted; afterwards they suffered us to live amongst them. And so (say I) do the *Papists* too, and to enjoy not only their lives, but their liberties and their legal possessions and goods also, in many, nay in most places where there is no *Inquisition*; which was more than we of the *Church of England* (especially we of the *Clergie*) were suffered to enjoy here under the Reign of either the *Presbyterians* or *Independents*. And whether they would not have proceeded to blood, as well as the *Papists*, upon the account of *Religion* only, I have reason to doubt; or rather I have no reason to doubt but they would; for as it is a *Papist* opinion that all *Hereticks* are to be put to death, and that all that are not *Papists* are *Hereticks*; so it is a *Presbyterian* opinion that no *Idolater* is to be suffered to live, and that all *Papists* are *Idolaters*, as likewise that all the *Bishops* and *Episcopal Party* of the *Church of England* are *Papists*, and consequently *Idolaters*, that is, such as by the Law of God are to be put to death.

Their Principles much what the same,

And practices too, upon occasion.

And if they did not put this doctrine in practice here, as they have done in *Scotland* (witness the murder of the late *Primate* there upon the account

of

of Religion only, whatsoever the first printed Narrative of that horrid Fact said to the contrary) it was because their reign was so short, and because they were not so well settled in their Dominion, as to think it safe for them to proceed so far. The Church of Rome her self did not at first proceed with that extremity of Rigor against those she calls *Hereticks*, as she did afterwards. It is but of late that the bloody *Inquisition* was set up by the Church of Rome, and that but in some places. And was not that of the *Tryers* here in England, in order to the depriving Men of their livelihoods though not of their lives, some such thing? And who can tell whether it might not have proceeded to deprivation of life also, as well as the *Roman Inquisition* doth, if it had gotten power and authority enough to support it?

The Tryers a kind of Inquisition.

We know that the *Anabaptists*, who made a great part of that rebellious Army against the late King of blessed Memory, were a Sect that did profess at first that it was not lawful for them to defend either their Goods or their Lives, though never so injuriously threatned or attempted to be taken away from them by any, though not their Superiors, but even by *Thieves* and *Pirates*; insomuch as they would not carry Guns in their Ships, when they went to Sea, for fear of being reimpred to make resistance in defence of their Goods or of themselves, by having wherewithal to do it. And yet I have been credibly informed, that there were none in that rebellious Army, whose feet were more swift and their hands more ready to shed blood than theirs of that Sect were, as fearing to offend

An Instance from the Anabaptists.

The like may be
judg'd of the
other Sells.

God by doing his work negligently, or that their own lives should go for theirs; if they spared or suffered any to escape, whom it was in their power to kill. So that now, as one of their Officers said lately, *The Sword is become a good Ordinance of God in its season.* And of the same mind with the *Anabaptists* (if they be not yet) may the *Quakers* and all the rest of the *Sectaries* come in time to be also, together with those merely moral *Philosophical Christians* (I mean the *Socinians*) themselves, how much soever they seem for the present to dislike the propagating of Religion by force; which there is no *Sect* but doth profess also, whilst they want power to practise it themselves; It being as natural for all sorts of *Hereticks* and *Sectaries* to endeavour the propagating of their opinions, by making as many *Profelytes* as they can, as it is for single Persons to desire and endeavour the propagating of their kind by natural Generation.

CHAP. V.

The Exclusion of the right Heir, contrary to the Law of God, both Natural and Positive.

The danger, if
the Heir of
the Crown be
of any other
Religion, alike,
as if he be a
Papist.

Supposing therefore (but not granting) the present Heir of the Crown to be a *Papist*; as I will not deny but that he may (as long as he continues to

to be so) wish and desire that all were of the same Religion; so they that would have him excluded upon that Account; must needs grant likewise, that if any *Heir of the Crown* after him, or at any time hereafter shall chance to be of any other Religion than that established by Law, and consequently as desirous as a *Papist* can be to change or abolish that and bring in his own in the stead of it, which may be as bad or perhaps worse than *Popery*, (as I take not only *Paganism* (whatsoever *Julian the Apostate* saith to the contrary) but *Socinianism* to be also.) They must grant, I say, that upon the same account whosoever shall be of any other than the established Religion, must be excluded from succession to the Crown, for fear of the alteration he may possibly make of the established Religion in the Church, and probably of the established Government in the State also. Which I confess to be a thing of such dangerous consequence, that it ought to be prevented and provided against by any **lawful effectual Means** what Means to be used, to prevent this danger. that can be made use of to that purpose; especially where the present constitution of the Church and State is such as ours is, that is such a one, as I think (all things considered) there cannot be a better; and therefore I say it will become the wisdom of the State to prevent (as much as by humane prudence it may be prevented) any alteration either of the Religion or of the Government (I mean as to the essentials of either of them:) but then it must be by the use of such Means as are **lawful and effectual.**

And

The Bishop of Winton's Vindication

And first the *Means* that must be made use of to prevent such an *alteration* must be *lawful*, evidently and undoubtedly *lawful*, and that both in relation to the *Law of God*, and in relation to the *Law of the Land* also.

The Exclusion of the right Heir, against the practice of all Nations;

But the *excluding* of the *right Heir* from his *Inheritance* seems to be contrary to both; and by the *right Heir*, I mean the first-born, or him that is nearest in blood to him that is, or was formerly in possession. And that such a one hath a right of *succession*, from which God would not have him to be excluded, appears by the almost *universal practice* of all *Nations* in all *Ages* and in all *Places*, which *Practice* being every where and almost the same among those, that in all things else differ so much from one another, must needs proceed from some *Principle* common to them all; and what can that be but the *Law of Nature*? and what is the *Law of Nature* but the *Law of God* himself *written in mens hearts*?

And consequently against the Law of Nature.

Jacob's three eldest Sons forfeited their Birth-right.

Gen. c. 49.
v. 3, 4.

And therefore it was according to this *Law* (before there was any *positive Law* of God or Man in the case) that *Jacob* in blessing of his Children before his death did acknowledge *Reuben's* right of *Primogeniture*; by saying that his was the *excellency of dignity and the excellency of power*, because he was his *first-born*, if he had not *forfeited* it by defiling his Father's Bed, and consequently by committing *Incest* as well as *Adultery*; crimes punishable by death, even in those days; as appears by *Judah's* condemning his Daughter-in-Law *Thamar* to be burnt, supposing her to have been an *Adulteress*. And it was for a crime punishable

able by death also, that *Simeon* and *Levi* the two next eldest Sons of *Jacob* lost the priviledge of their *Birth-right* also; namely for being guilty of the horrible murder of the Inhabitants of the whole City of *Shechem*. And thus the dignity of *Excellency* and the dignity of *Power* came to be the Inheritance of *Judah*, *Jacob's* fourth Son; because the three *Elder Brothers* had forfeited their Right thereunto by being guilty of such Crimes as were punishable by death: which guilt of theirs being given by their Father *Jacob* as a reason why, or cause for which they were disinherited; from whence we may infer, first, that naturally or according to the *Law of Nature* the *Elders*; and consequently the next in blood hath a right to inherit before those that are younger, or those that are farther off: And (2dly) That they are not to be excluded from that right of theirs, but for some very great crime, or unless God, who disposeth of all things as he pleaseth, do prefer the younger before the elder, as he did *Jacob* before *Esau*, *Ephraim* before *Manasser*, and *David* the youngest before all his elder Brethren; though *Isaac*, and *Joseph*, and *Samuel* himself seem to wonder why he did so, it being contrary to the dictates of *Nature* and the general practice of all Mankind; and contrary to the general *Positive Law* of God himself also concerning the descent of *Inheritances* from Father to Son; and if he have no Son, to his Daughters, and if he have no Daughters to his nearest Kinsman of his Family, as is set down at large, *Numb. 27.* from Verse the 8th. to the 12th. compared with *Deuteronomy* the 21. v. 16. where it is said:

Two Cases of disinherison.

The Right of Inheritance, according to Gods positive Law.

said that if a Man have a *younger Son* by a Wife that he loves better than he loved her by whom he had his *eldest Son*, he shall not make the Son of his beloved Wife the *first-born*, (that is, his *Heir*) before the Son of the Wife whom he hated, who is indeed the *first-born* or indeed his *eldest*, and therefore indeed and in right his *Heir*: which right it seems by the Text his Father could not deprive him of or take from him, unless he were so rebellious and incorrigible as that he was to be stoned by the People and put to death for it, as may be gathered from the Verses immediately following in the aforesaid Chapter. So that it seems it was not by the *Positive Law* of God, in the power of the Father to deprive his *eldest Son* of his *Birth-right* for any thing less than would deprive him of his *Life*; neither was a *younger Son* to be preferred before the *eldest*, as to the Prerogatives of *Birth-right*, because he was a better *Man* or a better *Son*; because the Prerogative of *Birth-right* was not founded in *Grace*, but in *Nature*; and therefore though *Cain* was graceless and impious, and *Abel* a righteous and religious Person, yet God tells *Cain* that he was to rule over *Abel*, which he could have no right or title to, but because he was his *elder Brother*; and so was profane *Esau* to rule over *Jacob* upon that Account only, if he had not sold him his *Birth-right*, and with it his Right and Title to *Lordship* over him.

The like in
Succession of
Kingdoms.

And as this was the way of *succeeding* in the Government of *Families*, so was it in the Government of *Kingdoms* also; generally amongst
the

the *Gentiles* as they were led by the light and instinct of *Nature* only, and particularly amongst the *Jews* by the **Positive Law of God**, as appears by the Catalogue and Genealogy of the Kings of *Juda*, where the eldest of the Sons did always succeed his Father in the Kingdom without interruption, unless God himself (who is *King of Kings*) was pleased to interpose, as he did in the succession of *David* to *Saul*, and of *Solomon* to *David*, which were both of them Acts of God's *Prerogative*, and not according to the ordinary course of *Law* amongst the *Jews*, as appears by *Solomon's* answer to his Mother *Bathsheba* when she spake to him to let his Brother *Adonijah* have *Abisbag* the *Shunamite* to Wife; Ask for him, said he, the Kingdom also; for he is mine elder Brother: which is a plain confession of *Solomon* himself that according to the ordinary course of *Law* then in force, *Adonijah* should have succeeded *David* in the Kingdom, had not *David* (who was a *Prophet* as well as a *King*) known God's mind to the contrary: And indeed God had made known his mind unto *David* concerning *Solomon* by *Nathan* the *Prophet*, when as soon as he was born he called his name *Jedidiah*, that is, *beloved of the Lord*, thereby making *David* to understand that he was design'd to succeed him in the Throne. Whereunto may be added that perhaps *Adonijah* was confederate with *Absalom* (whose Brother he was by the same Mother) in his rebellion against *David*, and consequently had forfeited what was due to him by his *Birth-right*, being guilty of what he deserved to be put to death for, though by reason

1 Kings c. 2.
v. 22.

Adonijah his Case, and why Solomon prefer'd to the Throne.

1 Kings c. 1.
v. 6.

Ibid.

of his Fathers fondness of him he was not put to death for it.

But whether this, or God's Intimation of his pleasure to *David* by *Nathan* the Prophet, were the reason that *Solomon* the younger Brother was preferred before *Adonijah* the eldest to succeed *David* in the Kingdom, it is evident by *Solomon's* aforesaid answer to his Mother, and by the constant course of *succession* in that Kingdom, that there, as well as in all other Nations, the *eldest Son* or nearest in blood was legally to succeed in *Thrones* as well as in *Families*, and do so still, and are of right to do so in all *Hereditary Kingdoms*: from which *right* grounded upon the *Law of Nature*, attested by the *general practice* of all Mankind in all places, and in all ages, and ratified by *God's positive Law* to his own People; I see not how any man can be *excluded* without some kind of *Violation* of the *Law of Nature*, or without some kind of *unbecoming Reflection* upon the *Positive Law of God* it self, as if God had not made as good and as wise a *Law* to obviate all inconveniences for his own People, as any People could make for themselves.

CHAP. VI.

*Such Exclusion, against the Law of the Land also ;
and were there or could there be such a Law, it
would be unjust in the present case, and of dangerous
consequence.*

BUT if it be said that several *Nations*, according to several *Climates* they live in, may be of several *Inclinations* and dispositions, and therefore that a *Law* which may be very proper and useful for one sort of People may not be so convenient for another, and consequently that the *Judicial Law* which God gave to the *Jews*, though it were best for them, it may not be best for us or for any other Nation: nay, because it was best for them it cannot be best for all other Nations or for any other Nation, that are naturally of a contrary or of another kind of *temper* or *constitution* than they were; so that the *Judicial Law* of the *Jews* obligeth none but those for whom it was made, and to whom it was given, God having left it free to those that have the *Legislative power* in every Nation to make such *Laws*, as they think most proper and most effectual for the well governing themselves; so that they command nothing that is forbidden, nor forbid nothing that is commanded by the *Moral Law* of God.

*Granting that
the Judicial
Law obligeth
none but Jews ;*

*The Exclusion
of the right
Heir is contra-
ry to the Law
of the Land.*

Be it so, and be it supposed likewise though not granted, that there is nothing in the *Natural* or *Moral Law* of God against *disinheriting* of the *right Heir* of an *Hereditary Kingdom*: let us see whether there be any **Law of the Land**, or any *legal* way according to the *constitution* of this *Kingdom* of ours, that can warrant the doing of it; unless the *Heir of the Crown* be guilty of some such *crime*, as by *Law* is a *forfeiture* of his *Life* as well as his *Birth-right*; which one *Case* excepted (wherein the *present Heir* of the *Crown* is not so much as pretended to be at all concerned)

*No such Law
now in being;*

I demand *first* whether there be any *Law* now in being for *excluding the right Heir* of this *Hereditary Kingdom*, upon the pretence that is alledged but not proved against him: for if there be no such *Law*, there can be no such *transgression*, because every *ἀμαρτία* must be (as *St. John* tells us) an *ἀνομία*, every *transgression* must be a *transgression* of some *Law* or other; and *where there is no Law there is no Transgression*, saith *St. Paul*.

*Nor can be
made, without
the Kings con-
sent;*

If it be said, that though he cannot be *excluded*, by any *Law* already made, yet a *Law* may be made by *Act of Parliament* which may *exclude* him; I demand *again*, whether according to the fundamental and essential constitutions of *Parliament* there can be any *Act of Parliament*, or any *Law* made by *Act of Parliament*, without the *Lords* and the *Kings* consent to it, as well as that of the *House of Commons*? if not, as yet there is not, so more than probably there will never be any such *Act* pass, or *Law* made, the *King* and
Lords

Lords having already declared their dissent from it.

But (3dly) supposing the King and Lords should agree with the House of Commons to make a Law for the excluding of the next Heir of the Crown, upon such an accompt as never any Heir of the Crown was excluded before, nor by Law to be excluded; and consequently for which he could not foresee that he deserved or was to be excluded; I demand by what reason, justice, or equity that Law can be prejudicial to him, or to any right of his, all Laws being to look forwards, and not backwards; (that is) to enjoin or prohibit something for the future upon such or such Penalties for the disobeying of them, but not for the punishing of any thing that was done before there was any such Law for the prohibiting of it; so that supposing, but not granting that by such a Law the Heir of the Crown might justly be excluded from the succession for the future; yet he that is Heir at present, and was so before any such Law was made, cannot (as I humbly conceive) upon such a pretence be excluded without violence done unto the Law, as well as injury done unto himself.

Nor, were it made, would be just, in the present Case.

If it be said that *Salus Populi est suprema lex*, the safety of the People is the supreme Law, and that the safety of the Kingdom doth require that as such a Law should be presently made, so it should be presently executed also; I answer that the Supreme Law is, **That no evil should be done that good may come thereof**; and besides that, the safety and peace of the Kingdom would in all probability be much more indangered by the putting

The dangerous consequence of such a Law.

or

or attempting to put such a *Law* in Execution, then it is yet, or I hope ever will be, for want of such a *Law*; the present execution whereof would for fear of but a *supposed uncertain future* evil (which many things we do see, and many more we do not see may hinder) put us into a *real*, a *certain*, and a *present* as evil a condition, as any we seem to be afraid of, and desirous to prevent; I mean a present *Civil War*; and perhaps a *Foreign War* too. And then *Dic mihi quis furor est ne moriari mori?* Tell me, what madness is it to kill ones self for fear of being killed? I say, what a madness is it to run into a present greater evil, to prevent a less, that is to come, and probably may not come at all?

CHAP. VII.

Supposing such a Law, it would not be effectual for the keeping out of Popery and Arbitrary Government.

TO conclude, supposing such a *Law* should be justly made and justly executed upon the present *Heir of the Crown*; and supposing too that Inconvenience from abroad and at home should not follow upon it for the present: How would this secure us from the bringing in of *Popery* for the

the future, unless the *Act* or *Law* should be made to extend to the excluding all *future Heirs* of the *Crown* as well as the *present*; that might be suspected to be *Papists*, though not legally proved to be so? Would it not be easie for any future Heir of the *Crown* to defeat the efficacy of it, and to avoid the Execution of it upon himself, by concealing his being of that religion till he was King? And then it is a known Maxime of our *Law*, that **the Crown takes away all defects** in him, I suppose it means, that is the rightful *Heir* to it, and against whom (after he is King) as no force can be used without a *Rebellion*, so no *Law* can be made without *Usurpation*; the one being the taking of his *Sword*, and the other the taking of his *Scepter* out of his hands: so that if such a *Law* be made to extend to the exclusion of all future *Heirs* of the *Crown* as well as the present, it would not be effectual for the keeping out of *Popery*, and much less for the keeping out of *Arbitrary Government*; or for the securing of the *Protestant Religion*; unless we shall say that nothing but *Popery* can bring in *Arbitrary Government*, which is to lie against our late Experience to the contrary, when *Tyranny*, and *Tyranny* in the highest degree, and under many several sorts of *Tyrants*, was brought in without *Popery*; and the *Protestant Religion* of the *Church of England* was not only suppressed and persecuted, but endeavoured to be quite extirpated, and for ever to be abolished, by the greatest pretenders of enmity to *Popery*; though indeed the greatest of its Friends, and the most likely to be a most effectual means to bring

Such a Law, if made and executed, would not be effectual against future Heirs.

Arbitrary Government may be brought in by other ways, as well as by Popery.

it in, by their then endeavouring to overthrow, and by their now endeavouring to undermine the strongest Bulwark, the **Protestant Religion** truly so called hath in the World against Popery, I mean the *Protestant Religion* of the Church of England.

A brief commendation of the Church of England and the Civil Government.

And as this Church of ours according to the present legal constitution of it, both as to *Doctrine* and *Government*, is the best fenced of any Church in the World, not only against Popery, but all other *Heresies* and *Schisms*; some of them as bad if not worse both in their *speculative* and *practical* opinions than Popery it self is: So the legal constitution of our *civil Government* also is, (I verily believe) the best Government now extant in the World, or perhaps ever was or can be for the keeping out of Tyranny or arbitrary Government; of what *disposition* or *religion* soever the Prince or Governour in chief (for the time) shall happen to be of, so the *legal established constitution* of the Government be not altered.

C H A P. VIII.

The Scotch Test an Assurance that there can no change be in Government, either of Church or State. The case of Protestants in Queen Maries time much different from what it is now.

FOR preventing whereof the best, and (as I verily believe) the only effectual means, that can be devised and put in practice, is (as I said before)

fore) the making of such an *Act of Parliament* here in *England* as is lately made in *Scotland*, viz. *That for the future no Man shall be capable of any place, power, trust or profit, Military, Civil or Ecclesiastical; or to choose or be chosen a Parliament man; but he that will take such a Test, as is there specified, (viz.) That he will never give his consent for the alteration either of the Religion or the Government by Law established in the Church and State.* Which being once enacted, I for my part cannot foresee how either *Papery* or *Arbitrary*, I might add or any other *Government* or *Religion* prejudicial to the rights either of *King* or *Subject*, can be brought in amongst us, but by an absolute conquest of the whole Nation.

The Scotch Test proposed, to keep out Papery and Arbitrary Government.

For as for *Papery* and *Arbitrary Government* (the pretended Objects of our present fears) that they will be brought in by a *Papish Successor*, (supposing there be any such) if he be not excluded, the aforesaid *Act* after it is enacted will make it impossible for him to effect it, though he have never so strong an Inclination or desire to do it.

which upon the supposition of such a Law, cannot be brought in;

For if he endeavour to do it, it must be either by force or fair means; if by force, it must be either by an Army of his own Subjects or of Foreigners; if by an Army of his own Subjects, it must be an Army of Papists only, which being not one to 500. in proportion to the rest of the Nation, and all of them excluded by the aforesaid *Act* from all places of Power or Trust, will make but a very inconsiderable handful of Men to attempt, and much less to effect any thing by force against the

Neither by force,

Body of the Nation, whom we are to suppose to be obliged by the aforesaid *Act* not to consent to, and much less to assist the bringing in either of *Poper*y or *Arbitrary Government*.

So that if it be by *force*, it must be by an *Army of Foreigners*, and such an Army as shall be able to subdue the whole Nation; and then he that brings them in cannot choose but fear they will subdue us for themselves, and not for him; and therefore will take heed of running such a hazard for any consideration whatsoever.

Nor by fair means.

We are not therefore to fear it will be attempted to be done *by force*: Nor that it can be effected if it should be attempted to be done **by fair means** neither, that is, by *Law*, or by making any *Act of Parliament* for the introducing of *Poper*y, when there shall be an *Act* before in force to prevent any Man's choosing or being chosen a Member of the *House of Commons*, that is not obliged by *Oath* never to give his consent to the passing of such an *Act*, and all *Popish Lords* are already excluded from voting in the *House of Lords*.

An Objection from what Queen Mary did.

But why may not a *Popish Successor* cause both these *Acts* to be repealed? as *Queen MART* did, for the Reducing of *Poper*y, those that were made by Her Brother *Edward the Sixth*, for the Excluding of *Poper*y?

The Case much different then, from what it is now.

I answer, because of the vast difference between those times and these. Then the *Protestant Religion* was but begun to be planted in this Kingdom, and had not taken root enough for the settling and growth and continuance of it, much the *major part* of the People being still *Popishly* affected in their Hearts,

Hearts, though they were by the Laws then in force restrain'd from the open profession of it ; as appear'd by their so readily and so gladly returning (as most of them did) to it, and by their not only accepting but desiring and purchasing the *Pope's Absolution* for revolting from it. So that it was very easie for *Queen Mary* to make that *Alteration* which she did by repealing such *Acts* and *Laws* as she found in favour of the *Protestant Religion*, and to re-enact or restore such as were for the establishment of *Popery*, which she found to have been repealed by Her Predecessor. And to make this work of hers the more easie, she did and could without any legal impediment to the contrary bestow all places of Trust, Power and Profit, *Civil, Military* and *Ecclesiastical* upon such as were as zealous as she her self was for the suppressing of the *Protestant*, and setting up of the *Roman Religion* instead of it.

Whereas now the *Protestant Religion* has been settled here in *England* for above fourscore years before the Rebellion and above twenty years since, and the *Popish* suppress'd for twenty years longer, even during all the time of the *Rebellion* it self, whilst the *Sectaries* usurped the Supreme Power, and whilst the *Protestant Religion* of the *Church of England* was suppress'd and persecuted also. But all that while *Popery* was kept down and *Presbytery* was set up, and spread it self so much in and over all parts of the whole Kingdom, that we have much more reason to fear the *alteration of Government* both in *Church* and *State* by setting up of *Presbytery* instead of *Episcopacy* in the one, and of a

Presbytery more likely to alter the Government than *Popery*.

Commonwealth instead of **Monarchy** in the other, than *Popery* or *Arbitrary Government* under a King in either; as long as the *Laws* we have already against both are in force, whereby all *Papists* are made incapable of having any thing to do in the Government as it now is, and of doing any thing towards the *alteration* of it by repealing or giving their votes for repealing any of those *Laws* that are in force against *Popery*, or for the making of any new *Laws* in favour of it, being (as I said before) excluded from sitting in either of the *Houses*; without the consent of the *major* part of which *Houses* the *King* himself (though he be the sole *Law-giver* or sole maker of our *Laws* properly speaking as I have proved at large already) can neither make nor repeal *Laws*; but is according to the *legal constitution* of this Kingdom oblig'd, and has obliged himself neither to make any New *Laws* nor to repeal any Old ones, nor to Govern any otherways than by such *Laws* as are in force and have been or shall be so made, that is, with the consent of both Houses of *Parliament*, either by himself or by His Predecessors. So that there wants nothing to *perpetuate* our happiness under the *best Government* that ever any People did or can live under, but to be assured that never any **change** (as to the *species* and essentials of it) shall be made in it; And such an **assurance** (as far as any thing in this world can be assured) the making of such an *Act* here for the taking of such a *Test* (as is already made and taken in *Scotland*) will give us, of what Perswasion soever in point of *Religion*, or of what Inclination soever in point of *Government*, the *Successor* to the Crown

Such a Test
will be an as-
surance of no
change to be.

Crown at any time may chance to be, especially after he hath taken the **Coronation Oath** to Govern no otherwise than by *Laws* made and to be made by *Act of Parliament*.

C H A P. IX.

The Coronation-Oath alike dispensable, whether the Successor be a Papist or a Presbyterian. Mr. B.'s judgment of our Government, and his wish for better order in choice of Parliament-men; with the Bishops judgment what ought to be their main Qualification.

IF it be objected that if the **Successor** be a **Papist**, there is no **Oath** he can take, but he may be and will be by the *Pope* easily and willingly **absolved** from the *Sin* in taking it, and from the *Oath* Obligation to keep it.

An Objection, that a Popish Successor will be absolv'd from his Oath.

I answer first, that the same *Objection* will be as valid against a **Presbyterian** as against a **Popish Successor**; for that the *Classis* as well as the *Conclave* can *dispense* with the obligation of *Oaths*, we have seen and felt too: For what was the imposing of the **Solemn League and Covenant**, but a discharging of those that took it, by those that perswaded them to take it, from being any longer obliged by the *Oaths* of **Allegiance** and **Supremacy**, which they had formerly taken?

The thing the same if a Presbyterian.

But *Secondly*, my answer is, that I do not ground the *Assurance* of the continuance of our present *Government* either in *Church* or *State*, either wholly

The full ground of that Assurance of no Change to be in the Government.

Or

or chiefly upon the *Successors* keeping of his **Coro-
nation Oath** (of what persuasion soever he is or
may be) but upon the aversion which 99. parts at
least of an 100. of the whole Nation have from
Popery and *Arbitrary Government*, and upon the
Laws already in force against both, and upon the
supposition of such a *new Law* to be made here as
there is in *Scotland* for the preserving and securing
of the old ones: *viz.* That no man be capacitated
to choose or be chosen to be a *Parliament-man*, be-
fore He hath taken that or such another *Oath* as
that, which by the aforesaid Act of Parliament in
Scotland is prescribed and enjoined to be taken.
Which *Oath* why those that fear the bringing in
of *Popery* and *Arbitrary Government* should not be
very willing to take, I can see no reason, unless
they would bring in something else as destructive
to the present Government as *Popery* it self; and
then I see no reason neither why they should not
be excluded from choosing and being chosen mem-
bers of *Parliament* as well as the *Papists* are? For
why should any that are *Enemies to the Government*,
one way or other, be put in a capacity either to
undermine the foundation or to weaken the props
and the Pillars of it? or to make any substantial
alteration in it? considering (as Mr. Baxter himself
confesseth) That for ought he sees the Government of
this Commonwealth (I presume he takes the word
Commonwealth not as a *specific* but a *generical* No-
tion, as it signifies any body Politick) is already
ballanced with as much prudence, caution and equality,
as the curiousest of the models that self conceited men
would obtrude with so much ostentation.

Mr. B.'s own
commendation
of our Govern-
ment.

Vid. H. Cam.
P. 207.

And

And that by **Government of this Common-wealth** he means the Government of this *Kingdom*, not as it was governed by a *State* before the Usurpation of *Cromwel* the Father, or by the *Army* and *Rump-Parliament*, after the deposing of *Cromwel* the Son, but as it was to be Govern'd according to the *Legal constitution* by *King, Lords and Commons*, that is, by a *King* Governing by *Laws* made with the consent of the *Lords and Commons in Parliament*. I take this (I say) to be Mr. Baxter's meaning by that which he calls the *Government of this Common-wealth*: because in other places he seems not only to dislike but abhor the Government of a **Common-wealth** in a *specifical* Notion, that is, as it signifies a *Democratical* or popular Government, for no fewer than 20. several reasons; at the end of which (he saith) *I conclude therefore that this Ignorant, impious, mutable, cruel, violent rout shall never have my consent for the Sovereignty*: and in another place (as I have already observed) he saith that although the two *Houses of Parliament*, as having (he thinks) a part of the *Sovereignty*, may lawfully in defence of that part of theirs make War against the *King*, or those commissioned by the King; yet though in that contest they get the victory, they do not thereby gain the *whole Sovereignty* to themselves, nor cannot alter the former constitution, but must have the same, or some other King in his stead; whereby it plainly appears that by the aforesaid *Government of this Common-wealth*, as he cannot mean a *Democratical* or popular, so he cannot mean an *Aristocratical* or a *Parliamentary* Government with-

What he means
by the Govern-
ment of this
Common-
wealth.

Vid. H. Com.
from 89. to the
104 p'ge.

out

out a King. And therefore if he will *sibi constare*, hold to what he saith, and not contradict Himself (as he does in many other things) by that Government of this Common-wealth, which he saith is already ballanced with so much prudence and caution, he must needs mean this political regulated Monarchy of ours, which we now enjoy; and consequently that it ought not to be chang'd for any other form, frame or model of Government, which the curiosity of self conceited men (saith Mr. Baxter) he might have said, or the Ambition of Proud, or the greediness of Covetous, or the malice of Discontented, or the Bigotry of Hereticks, or the peevishness of Schismatics, may endeavour to obtrude upon us instead of it. For preventing whereof, I could wish (as he doth in the same place) that some better order were taken for the Exclusion of unworthy persons from Electing or being Elected members of Parliament, that so (says he) being out of danger of impious Parliaments, chosen by an impious Majority of the People, we should then build all the Fabrick of our Government on a Rock, which else will have a foundation of Sand: And then a multitude of errors would thus be corrected at once, and more done for our happiness than a thousand of the new Fantastical devices will accomplish.

*This wish for
better order in
Election of
Parliament-
men.*

*H. Com. W.
Page 27. &
208.*

*Wherein the
Bishop agrees
with him.*

Euge, well said again Mr. Baxter! No man can more heartily say *Amen* than I can to this wish of yours, that none were to choose or to be chosen **Parliament-men**, but those that were worthy to choose and to be chosen; nor no man can more fully concur with you in this Opinion than I do, That such a Parliament so chosen would be more effectual

effectual for the Establishment of our Government upon a Rocky or impregnable foundation, as likewise for the correcting of such errors and miscarriages, as by reason of the ill management of the best Government, are, or possibly may be in it, and consequently for the making of us more happy than any new Fantastically devised model of Government can do. In all this, I say, I agree with Mr. Baxter; But in the Notion of who are worthy or unworthy to choose or to be chosen, I am afraid we shall differ very much; for perhaps Mr. Baxter and those of his Party may think those that are Dissenters from the Government of the Church are the only worthy men to choose and to be chosen Members of the Parliament; I am sure by that stir and stickling they have made in the late Elections for Knights and Burgesses in all Counties and Corporations it appears they think so. Whereas I am of opinion that none but such as are conformable in point of Judgment and well inclin'd in point of Affection to the present Government both in Church and State, as to the species or kind of either, (that is, as the one is Monarchical and the other Episcopal) is fit to choose or to be chosen a Parliament-man, and consequently that none of those that are not well affected to the present Government are fit to choose or to be chosen, though they pretend never so much to be the Godly party; nay though they were indeed as good and Godly men as they say they are, and would have others believe them to be. For though as Moses wish'd, that all the Lords people were Prophets, and yet did not think them to be so; so I wish that all good

whom Mr B. perhaps thinks worthy to choose or be chosen.

Whom the Bishop thinks such.

The main qualification of a Parliament-man.

and *Godly* men were *wise* and prudent men also, but I cannot believe they are so; nor consequently that they are sufficiently qualified either to be *Statesmen* themselves, or to discern who are fit to be *Statesmen*. And unskilful though well meaning *Workmen* may be marring whilst they think they are mending, and pluck down more in a day than wiser men can build up again in a year. And therefore the *Fabrick* of our present Government being so good a one as that *Mr. Baxter* himself by preferring it before any new *Fantastical* mode or *model* that can be devised, or obtruded upon us, doth as good as confess there cannot be a better; certainly the main care that is to be taken by the wisdom of the *State* is to prevent the alteration or change of it: And consequently the main *Qualification* to be required in those that *choose* and are to be *chosen* to be *States-men*, is their being obliged to maintain and uphold the present Government *as it is by Law established* (I still mean as to the *species* or kind of it) and then as wise and good men may find work enough (without meddling with removing or moving of *Foundations*) to mend the faults that are, and to prevent those that may be in the *superstructure*: So those that are not so *wise* as they should be, nor so *good* as they would seem to be (and those are the men most likely to be meddling) will not be able to do any great harm, so long as the foundations themselves are secured from being undermined or overthrown by them.

CHAP. X.

The excluding some Persons from choosing or being chosen into Parliament, no injury. The Test reinforced upon this account that, if the Successor consent to it, it cannot but hold good.

IF it be objected that the making of such a Law would be the excluding of many of the *Free-men* and *free-holders* of the People from one of the greatest of the *priviledges* of their *Birthright*, namely, the *choosing* and *being chosen* Members of *Parliament*.

An Objection against the Test.

I Answer, that if the security of the Government and the Peace and Welfare of the Kingdom require it, and the Majority of the Peoples representatives (without which it cannot be done) consent to it, it is no more than in many other cases is done already.

A threefold Answer.

Secondly, I answer, that in this very case All the *Papists* (who if they be not a great number, I wonder why we should be so much afraid of them) all the *Papists* (I say) who are all of them *Free-men*, and as Freemen have a right to choose and be chosen into the House of *Commons*, and some of them by Birth to be *Peers* of the *Realm*, yet are all of them excluded from both Houses, and so are all *Out-land* and *Excommunicated* persons, and such are or should be all the *Sectaries* that will not come unto our Churches.

Thirdly, Did not both Houses of *Parliament* make it one of the conditions of Peace with the

The Bishop of Winton's Vindication

late King, that none that had serv'd him against them should be capable of sitting in either of the *Houses* for Twenty one years to come? And why might not the *King* with much more reason have demanded the exclusion of all those that had fought for the *Parliament* against Him from the same privilege? Or why may not those that will not oblige themselves by *Oath* to maintain the *Government* legally established by *King, Lords and Commons* be much more reasonably, and much more justly and equitably excluded from having any thing to do in the *Government*, or in the making of our *Laws* than those that would not take the *Oath of Abjuration* and of being faithful to the *Government*, as it was illegally set up without *King and Lords*, were excluded not only from choosing or being chosen into *Parliaments*, but from having any protection or benefit of the *Laws* by the upstart *Free-state*, (as they call'd themselves) but were indeed no better than *Rebels and Robbers*.

A reinforcement of the Test;

It is not therefore to be doubted but that such a *Law*, as is made in *Scotland*, may by the same Authority respectively be made in *England* and in *Ireland* also; Neither is it to be doubted but that such a *Law*, if it were made, would be the best security that can be given against the bringing in of **Papery or Arbitrary Government**; especially if the *rightful Successor* will not oppose but promote the making of such a *Law* here, as I do verily believe, and as all reasonable men have reason to believe, he will; because he did not only consent to, but promote the making of that *Law* in *Scotland*. And if he be willing not only to * consent to, but

* which if consented to by the Successor, no reason to believe but it will be kept.

but to promote the making of such a *Law* here, why should we not believe that he intends and resolves to keep it and maintain it also, whatsoever his own private persuasion in point of *Religion* may be for the present (for God may and I hope will persuade *Japheth* to dwell in the Tents of *Shem*) or continue to be for the future? For if he did not intend and resolve it should be kept when it is made, and consequently that *Papery* and *Arbitrary Government* should be kept out by it, nothing could be more imprudent than to promote the making of such a *Law*, whereby all that have or are to have interest in the making and repealing of *Laws*, and in all places of trust and power, *Civil*, *Military* and *Ecclesiastical*, in both Kingdoms, are to be obliged by *Oath* never to consent to the alteration of the Government, as it is now by *Law* established, nor consequently to the bringing in either of *Papery* or *Arbitrary Government*; which *Oath* when they have taken, as they cannot be dispens'd with for the breaking it, if they would, so they would not if they could, being such as are to be supposed to be enemies both to *Papery*, and *Arbitrary Government*, and therefore such as would do, what legally they could, for keeping out of both, though they were not sworn, and much more being sworn to do so. And therefore it is not to be supposed that the *Successor* intends or means to attempt the bringing in of either of them, if he be willing such a *Law* should be made, as will make it exceedingly difficult, if not utterly impossible for him to do it. Let us try therefore whether He will not consent to the making of
such

such a *Law* here, as willingly as he has done in *Scotland*, and let the consenting or not consenting to the making of such a *Law* here, as there is there, and the taking, or refusing to take such an *Oath*, as by that *Law* is prescribed to be taken by those that are to choose, or to be chosen *Members of Parliament* for the future, be the *επίσημον*, the mark of trial, whereby to Judge who are *friends* and who are *enemies* to the present *Government*; and who are most likely to desire and endeavour an alteration of it.

C H A P. XI.

Some of Mr. Baxter's Principles, grounds of Rebellion. An unhappy Instance of difference about Priviledge betwixt the two Houses of Parliament.

*A Recital of
some of Mr.
B.'s Principles,
by which he ju-
stifies the late
Rebellion;*

AND thus I have done with what I thought my self especially concern'd to do, namely, the justifying of my Exceptions against those *Political Theses* in Mr. Baxter's *Holy Commonwealth*, whereby he endeavours to justify the **Rebellion** against the late King, and to countenance and encourage any *Rebellion* upon the same grounds against this or any other of our Kings for the future. For *first*, if the *Sovereignty* was divided *then* betwixt the *King* and the *two Houses* of *Parliament*, so it is *now*, and so it will be *always* as long as the present constitution of our *Government* shall continue. *Secondly*, if where the *Sovereignty* is divided they that have any share in it, may by force
of

of Arms defend their part of it against whosoever attempts to take it from them. *Thirdly*, if the two Houses are to be believed and assisted by the People, whensoever they shall declare that the King takes away or attempts to take away their part of the Sovereignty, (all which are Mr. Baxter's **Political Aphorisms** or *Maxims of State*) doth it not follow that when and as often as there is a corrupt Majority in both Houses (as Mr. Baxter grants there may be, and we by woful experience have found there has been) doth it not follow, I say, from these Principles of Mr. Baxter's, that the People not only may, but are obliged to rebel and take up Arms against the King, whensoever a factious Majority in both Houses shall declare there is, though really there is no such cause as they pretend there is to do so? Nay if there be but such a factious ill principled or ill affected Majority in the House of Commons only: For it is the House of Commons which Mr. Baxter means, when he talks of the Peoples *Representatives* and *Trustees* whom they are to believe, and whom they are to assist. And they are (says he) the **Representatives** and **Trustees** of the People not only in the Condition of *Subjects* as the People are now, but likewise in the Condition of *Contractors*, as they were before they were *Subjects*, and as such did by contract reserve to themselves such and such *Privileges* and *Exemptions* from *Regal Jurisdiction*, which the House of Commons (as they are their *Trustees* in that Notion) are bound to defend, as they (the People) are bound to assist the House of Commons in defending of them. And the representing the People:

and by which upon the like occasion Rebellion is encouraged for the time to come.

The Parliament how the Peoples Representatives and Trustees, in Mr. B.'s sense.

People by the House of *Commons* under this Notion, together with their having a part of the *Sovereignty* as well as the *House of Lords*, is by necessary consequence from Mr. *Baxter's* principles, to justify the Peoples making War not only against the *King*, but against the *King* and House of *Lords* also, if they shall not agree to whatsoever the House of *Commons* shall propose as an Original reserved right of their *Representees* as they were *Contractors*, and before they were *Subjects*.

*The Peoples
Rights and Priviledges.*

H. Com. W.
p 471.

And of their *Original reserved rights* they may pretend to as many as they please; for it is but their saying they are so, and the People must believe them to be so; because they are not their *Representatives* only, but their *Trustees* also; and therefore it is by their Eyes (says Mr. *Baxter*) that the People are to see, and by their Ears that the People are to hear, and by their Declarations that the People are to judge whether their **Rights** and **Priviledges** be invaded or no, and whether they be such rights and priviledges as were *granted* by our Kings, after they were Kings to their People, as *graces* and *favours* to their *Subjects*; or such as were *contracted* for with Him that was to be King before he was King by those that were to be his *Subjects* before they were his *Subjects*. For it seems by Mr. *Baxter's* distinction, that the People may take Arms against the King to defend or recover the one, but not the other: And therefore it were to be wished that we had an *Authentic Catalogue* of those we may fight for, that we may not be *Rebels* before we are aware; as likewise it were to be wished also that we had a *Catalogue*

talogue of the *Privileges* of both Houses of *Parliament*, that knowing them we might take the better heed of offending against any of them; especially considering how great a crime it may be and how great a punishment it may deserve, if either or both the *Houses* are partakers of the *Sovereignty* with the *King*. As likewise for another (and in my humble opinion) a very weighty and important reason; namely to prevent the Kings not being able to govern by *Parliament*, though he be never so willing and desirous to do so; as when there is a difference betwixt the *two Houses* concerning *privilege*, there the order is that whatsoever business they are about, of what concernment or importance soever, it must cease, and nothing must be done until the difference concerning *Privilege* be decided; which being no other way to be decided but by one of the *Houses* yielding to the other, (for neither the *King* nor the *Judges* are admitted to umpire betwixt them) if after *Conference* upon conference they finally adhere on both sides (as they did in the case of Dr. *Sherleys* appealing to the House of *Lords* from a Decree in *Chancery*, wherein one of the House of *Commons* was concern'd) there is no more to be done than *Sessions*, though *Hannibal* were *ad portas*, knocking at the *City-gates*, though the business they were about before were of never so publick, or never so necessary a concernment, as indeed that which we were about then was; namely the passing of an *Act* for securing the Government both in *Church* and *State* by taking such a *Test*, as the aforesaid *Test* that was lately enacted to be taken in *Scotland*, and

The Privilege
of Parliament.

An Instance of
an unhappy difference
betwixt
the two Houses
concerning Privilege.

which would undoubtedly have past in the *Lords House* at that time, if some that desired an alteration in both, had not thrown that *λίθον πεπραχόμιν* *μὰ τὸ* that *stone of offence* betwixt the *two Houses*; which as it was done to hinder what we were a doing then, so that or the like may be done at any time by either of the *Houses* to make any *Parliament* useles and fruitles, though there be never so present, or so great need of it, and though the *King* and the *People* do never so much desire the contrary; unless there be some means devised and consented to by both Parties to adjust the difference betwixt them, as there is betwixt all other differing Parties but these only; or unless the *Privileges* of each of the *Houses* be so particularly enumerated and cleerly stated by the consent of both of them, that there may not be any difference betwixt them upon this account for the future.

If I have been too bold in saying what I have said in relation to either of the *two Houses of Parliament*, I humbly beg pardon of them both; for *Si peccavi, peccavi honestâ mente*, if I have offended in it, I have done it out of an honest meaning; I am sure I did not intend to lessen the dignity, or power or priviledges of either of them; *Good luck have they* with their Honour! but all that I said upon this Subject hath been to vindicate the *Kings Sovereignty* over all His Subjects, of all denominations and in all capacities whatsoever; which I am sure may well enough consist with whatsoever *Power* or *Privilege* can by the legal constitution of this Kingdom be claim'd by either or both *Houses of Parliament*.

CHAP. XII.

The Kings making our Laws, no disparagement to the Parliament. The several ways of justifying the taking up Arms against the King. The danger of Mr. B.'s Principles that way.

W Hereunto if it be objected that by making the King sole Law-giver, or the sole Law-maker, I seem to take away the greatest of all the Priviledges the two Houses have, and which it most concerns all the People of England they should have; I answer, it were true indeed that I did so, if by saying the King is the sole Law-giver or the sole maker of our Laws, I meant he could make what Law he pleas'd; but when I say withal, that although whatsoever is Law is made by the King to be Law, yet he cannot make any Law, or any thing to be Law without the consent of both Houses to it, or to his making of it; by giving to *Cesar* what is *Cesar's*, by giving to the King what belongs to the King, I take away nothing from either of the Houses that belongs unto them, or what is requisite for them to have for the securing of themselves and the People from Arbitrary Government; for which end it is abundantly sufficient, that the dissent of either of the Houses can hinder the making of any Law, though the consent of both of them cannot make a Law; for that would destroy the Monarchy, not by dividing the Sovereignty betwixt the King and the two Houses, which is really impossible, but by vesting the Sovereignty wholly in the

In what sense the King sole Law-giver.

The Bishop of Winton's Vindication

The blessed
frame of Eng-
lish govern-
ment.

two Houses, and consequently by taking it wholly from the *King*; whereas the power to hinder the making of Laws without their consent being vested in the *Houses*, and the power of making Laws with their consent being vested in the *King*, the *Sovereignty* and *Majesty* that is due to a *Monarch* is reserv'd to the Prince, and as great power and *Authority* (as *Subjects* are capable of) is communicated to the *two Houses*, and their *Liberty* and *Property* which is due to them, is secured to all the *People*: which blessed frame and temper of our *English Government* is such, as no *wiser* can be devised, nor no *better* can be desired, and such as no Nation but ours, under Heaven is or can be (unless it be situated as ours is) so happy as to enjoy; and therefore such a one, as if it were well understood, and seriously considered by us, it would make us *first* to be truly and heartily thankful to God for it; *Secondly*, to live obediently, quietly and contentedly under it, and consequently not only to be content but desirous that such a *Law* as I before spake of should be made to prevent the *alteration* or change of it into any other form or frame of Government whatsoever.

A caution a-
gainst seditious
Preachers and
Scriblers.

And in the mean time not to give ear or credit to any of those *seditious Preachers*, or *Pamphleteers*, who do what they can to disaffect the People to this excellent Government as it is by Law established; and only to this end, that as they have once already, so they may now again make such an *alteration* in this Government, as to turn the *Monarchy* into a *State*, and *Episcopacy* into *Presbytery*; which because they think it cannot be done now,
but

but as it was done then, namely by a *Rebellion*; therefore as they did always, so they do still maintain that it is lawful for *Subjects* in some cases to **take up Arms** against their *Sovereign*, though some of them take one way to prove it lawful, and some another; for some will have a middle kind of power betwixt the *King* and *People* to be *Umpires* or *Arbitrators* between them, whose Arbitrement if the *King* will not submit to, they may by force compel him with the assistance of the *People*, and the *People* are bound to assist them in so doing; this is *CALVIN's* way, whereunto he adds that *fortasse Ordines Regni in Angliâ*, that perhaps, the *Parliament* in *England* are this middle sort of *Magistrates*: Others will have the *King* and the *two Houses* of *Parliament* to be *Co-ordinates*, and that any of the *two* is to over-rule the *third*, and consequently the *two Houses* of *Parliament* to over-rule the *King* if They agree and He will not; this was *HERL's* way, one of the *Prolocutors* of the *Westminster Assembly*, called together by the *two Houses* in the *Rebellious Parliament*: But Master *BAXTER* will have the *Sovereignty* divided betwixt the *King* and the *two Houses*, or betwixt the *King* and the *Parliament*; and will have it to be lawful for either of the *Parties* to defend its own Right by force, if it be incroached upon by the other; and that the *People* are to take part with the *Party* encroached upon, against the *Party* encroaching; but with this difference, that They are always to believe what the *Parliament* declares against the *King* to be true, because they are their *Trustees*, not only to defend their *Rights*, but to inform.

Several ways to prove it lawful to take up Arms against the King.

Calvin's way.

Herl's way.

Mr. Baxter's way.

inform their *Judgments* whether they be wronged or no: and because they are their *Trustees*, not only as they are *Subjects* now, but as they were originally or at first *Contractors* before they were *Subjects*; and did then by bargain reserve unto themselves certain *Priviledges* and *Immunities* to be exempted for ever from the *Kings Jurisdiction*; which if their *Trustees* whom they are to believe, declare to be violated, they may lawfully take *Arms* against the *King* to maintain or recover those *Rights* of theirs, and to defend that part of the *Soveraignty* which the *Parliament* have in the *Government*.

Now putting all these things together, and supposing a corrupt *Majority* of *Parliament-men* in both *Houses*, as Mr. *Baxter* confesseth there may be, and we know there hath been, and therefore may be so again, who can secure the *King*, though he reign never so much according to Law, from being always in danger of a *Rebellion*, or the *Kingdom* from being always in danger of a *Civil War*! which being the worst of Evils that can happen to any *Body Politick*, they that sit at the helm ought above all things else to take especial care to prevent the broaching any such *Principles* as tend to the stirring up of the People to *Sedition* and *Rebellion*, by making them believe that in some cases it is not only lawful but their duty to take up *Arms* against the *King*; and that they shall do God and the *King* too good service in so doing. Such are those *Principles* of Mr. *Baxter* before rehearsed, published and owned by him in many of his *Books*, especially in that of the

Upon such
Principles,
the King in
continual dan-
ger of Rebel-
lion.

Some of Mr.
B.'s Principles
peculiarly such.

the Holy Common-Wealth: and amongst the rest especially two, of which he seems to be the Original Parent or very first Author: as namely first, *That the People of England are represented by their Trustees in Parliament not only as Subjects to the King, but as Contractors with the King, before he was their King and before they were his Subjects;* for which he brings no other proof, but that he takes it for undeniable. And (2dly) *That the Sovereignty here with us is not in the King alone (as the Oath of Supremacy saith it is) but that it is divided betwixt the King and the two Houses of Parliament;* and for proof of this the only reason he gives is, *That the Legislative Power which is essential to Sovereignty is in them as well as in the King; and the late King himself confessed it to be so.* Whether it be so or no, I have already considered and examined at large, and I hope have proved, that the King, and the King alone is the efficient cause, or maker of our Laws, whatsoever the two Houses may antecedently do towards the making of them.

CHAP. XIII.

The late King's owning, that the Laws are made jointly by King, Lords, and Commons, how to be understood.

Neither do I think what Mr. Baxter saith the late King confesseth in his answer from York to the Parliaments XIX. Propositions, namely
That

What the late
King meant by
saying, The Laws
are jointly made
by King, Lords
and Commons.

That in this Kingdom the Laws are jointly made by a King, by an House of Peers, and by an House of Commons chosen by the People, doth (being rightly understood) contradict what I have said of the making of our Laws by the King only: For although to say, the same thing is made *solely* by one, and *jointly* by more than one, seems to be a contradiction; yet if by *making* the same thing be meant the making of it, not in the same but several sences, it is no contradiction to say it is made by *one* and no more in one sence, and yet that it is made jointly by *more* in another sence. For example, according to an instance before given; It may truly be said that *Christ* alone shall judge the World, and yet it may truly be said that the XII. *Apostles* (for so saith *Christ* himself) and all the rest of the *Saints* (for so saith *St. Paul*) shall judge the World together with him: because the judging of the World by *Christ* is meant in one sence, and the judging of the World by the *Saints* in another. For it is *Christ* and *Christ* alone, or *Christ* and none but *Christ* shall judge the World, as a Judge properly so called, that is, *authoritative*, or by his own inherent power and Authority: But the *Saints* are said to judge the World *approbative*, by assenting to and approving of the judgment given by *Christ*, as just and righteous; so that in propriety of speech, they are not to be called Judges, but Assessors and Assenters only.

How the Laws
made by the
King alone, and
yet jointly by
the King, Lords
and Commons.

In like manner, as to the making of our Laws, it may be truly said, that the *King alone* is the maker of them; because it is by the King and by the King alone, that they are made to be Laws, which were before no Laws; and yet it may truly (though not so

so properly) be said too, that they are made by the King, and the *two Houses* of Parliament; because they do consent to the Kings making of them to be Laws, and not only so, but also because they do not only consent to the making and publishing of them *after* they are made Laws by the King, but they must consent to have them made Laws by the King, *before* the King can make them to be Laws. And yet for all that, it is the King and the King alone who by his *LE ROT LE VEULT* or his *FIAT* doth make them to be Laws. In which operative and efficacious words neither of the *Houses* concur with him; and yet it is by those words only, or alone, that what was before but a *Bill*, that is, an *Embryo*, or at most but *materia disposita*, matter fit to be made a Law of, is informed and enlivened with that obliging power and authority both *directive* and *coactive*, which makes it to be a *Law*. So that all the *two Houses* can be said to do towards the making of a *Law*, is to give it a *posse fieri*, a capacity to be made a *Law*, but it is the *King*, and the King only that gives it its *factum esse*, its being made so; and yet because the *King* cannot by his *Fiat* give it its *factum esse*, till it be agreed on by the *two Houses*, and because the *two Houses*, by their agreeing on it, do give it its *fieri posse*, or make it ready and fit to be made a *Law*; therefore it may truly (though not properly) be said to be made jointly by the *King*, *Lords*, and *Commons*; because though it be not made by the *Lords* and *Commons*, but by the *King* only, yet it cannot be made without them neither, that is, without their doing something antecedently, without their doing whereof the *King* cannot make *Laws*. And this was that, and all that, which the late King meant, when he said that the *Laws* of

- this Kingdom were made *jointly* by the *King, Lords, and Commons*, that is, (according to the old Parliamentary stile) *by the King, with the consent of the Lords and Commons*; or if you will, by the *King*, but not without the consent of the *Lords and Commons*.

Some Instances ad hominem, to convince Mr. B of this meaning.

But I hope Mr. *Baxter* (who would be thought the Master of propriety and distinctness of speaking) will not affirm, that a thing can *properly* be said to be done by him or them, without whose *consent* it cannot be done. For I think it is one of the main matters, wherein he differs or dissents from our *Church*, that a *Priest* or *Minister* of the *Word* and *Sacraments* cannot be *ordain'd* without consent of the *People*; will he therefore deny that it is the *Bishop* with his *Presbyters* that *ordains* him, or will he say that he is jointly ordained by the *Bishop* and the *People*? Certainly none but they that lay hands upon him have any thing to do in the *Act of Ordination*; So that it doth not follow, that because a *Law* cannot be made, without the precedent *consent* of *both Houses* of Parliament, that therefore they have any thing to do (properly speaking) in the making of it.

Again, supposing Mr. *Baxter* is of the opinion of the *Protestant Churches* abroad, that there can be no *marriage* without consent of *Parents*, and supposing that opinion to be true; yet I suppose neither Mr. *Baxter*, nor any of the *Ministers* of those Churches, will say that it is the consent of *Parents* that makes the *Marriage*, though it cannot be a *Marriage* without it.

Vid. MB's second Def. of meer Nonconf. p. 127.

A brief Re-bearfal of our Law-making.

Many other *Instances* of the like nature might be given; but this is enough to prove the thing we have in hand, namely, that though in some sence it may be said that our *Laws* are made by the *King* and *Parliament*, or by the *King, Lords and Commons*, because they can-

not

not be made by the *King*, without the consent of the *Lords* and *Commons*; yet properly speaking, it is the *King* alone, who by his *LE ROT LE VEULT* makes them to be *Laws*, in which Law-making Act of his, neither of the *Houses* do joyn, or are joyned with him; and therefore the *Laws* so made cannot properly be said to be made by the *King* and them jointly.

And yet because they cannot be made by the *King* without their antecedent consent to them and proposing of them, they may truly be said to concur to the making though not in the making of them. And this, and no more but this, was undoubtedly the late *Kings* meaning, when he said the *Laws* were made here in *England* by the *King*, *Lords*, and *Commons*, or upon their proposing such and such *Bills*, being first agreed upon by them, to be made *Laws* by him.

CHAP. XIV.

The making of Laws in the Roman State applied to Us, Mr. B.'s division of the Sovereignty rectified. The King's Negative voice asserted, and the Enemies of Monarchy detected.

THUS when the *Sovereignty* was in the *People* of *Rome*, the *Senate* did concur to the making of *Laws* for the *Common-wealth*, but did not make them; they concur'd to the making of them, by consulting and debating what was fit to be made a *Law* by the *People*, as having no power to make it a *Law* themselves; the making of *Laws* being an Act of *Sovereignty*; and the *Sovereignty* being then not in the *Senate* but in the *People*; and therefore the *Senate* did not so much as pretend to the making of *Laws*, but only to the proposing of *Laws* to be made by a higher power,

How Laws made in the Roman Commonwealth.

namely that of the *People*; as appears by the formal and solemn stile relating to the making of Laws in those times, which was this, *Senatus rogat, Populus jubet*, the Senate requesteth or proposeth, namely, such or such a thing to be made a Law, but the People commands or enjoins it; (that is) the *People* maketh what was proposed by the *Senate* for a Law, to be a Law.

How in our
Monarchy.

The ancient
stile
of our
Laws.

* Our King
not an ab-
solute, but
a legal
Monarch.

And as this was the stile in relation to making of Laws in a *Democracy*, when and where the Sovereignty was in the *People*; so à *paritate rationis*, upon the like reason and account, in a *Monarchy*, where the Sovereignty is in One, the stile ought to be. *Populus rogat, Rex jubet*; the *People* requests, and the King grants. And so indeed it was, (as I observed before) according to the ancient stile used in our Parliaments here in *England*, in divers *Acts* and *Statutes*, wherein the King is said to give or grant sometimes at the *special request*, and sometimes at the *humble Petition of the Commons*. Neither doth the Alteration of the Stile (**at the Request**) to (**with the consent**) argue an alteration in the *species* of the Government; for the King is still the *sole Lawmaker* or Lawgiver, as much as he was before, and consequently as much a *Monarch*, though less *Despotic*, and more *Political*, in the managery and execution of his Kingly Power; having by his Predecessors and his own voluntary and gracious condescension obliged himself not to exercise his *Legislative power*, or to make any *Laws* without the consent of those that are to be governed by them; which, though it do not make him cease to be a *Monarch*, or to have the *Sovereignty* or supreme power wholly and solely in himself; yet it makes him cease to be an absolute, arbitrary, and *despotic*, and to become a legal, regulated and **political** *Monarch*, or a King that is to govern his *People* by *Laws*.

Laws; Laws indeed of his own making, but not without their consent to them, I mean without their consent by their *Representatives in Parliament*; together with the consent of the *Lords Spiritual and Temporal*, which all of them jointly are the Representatives of the *three Estates*, or of that whole *Body Politick*, where-^{The three Estates.} of the *King* is the Head. And as it is he that governs the whole *Body*, so it is he that makes the *Laws* to govern the whole *Body*: which because they are not made by the *King* without the consent of the *three Estates* representing that *Body*; therefore Mr. Baxter thinks they are made by the *three Estates*, as well as by the *King*,^{whence Mr. B.'s error of dividing the Sovereignty.} and therefore that the **Sovereignty** is divided betwixt the *King* and them, and consequently, that this is no *Monarchy*, but a mix'd Government; which is the same mistake that *Grotius* (as I said before) observeth to have been the error of *Polybius*, in judging the *Roman* to have been a mixed Government, and the *Sovereignty* or supreme power thereof to have been divided, betwixt the *Consuls*, the *Senate*, & the *People*, when (saith *Grotius*) the Government was indeed meerly popular or *Democratical*. And the cause of this mistake in *Polybius* (saith *Grotius*) was his *respiciens ad actiones ipsas, & non ad jus agendi*; his looking at the things that were done, & not at the authority whereby they were done; whereas if he had consider'd that what was done either by the *Consuls*, or by the *Senate*, was done by an authority derived from the *People*, & signified nothing if it were not ratified by the *People*, he would have been convinc'd, that the *Sovereignty* or supreme power was wholly in the *People*, & consequently, that it was a meer *Democracy* and not a mixed Government. In like manner Mr. Baxter looking only at the things that are done by the 3. *Estates* in *Parliament*, as to their concurrence.

rence to the making of *Laws*, & subordinate managery of other parts of the Government; & not considering by whose *Authority* they do what they do, and that all that they do signifies nothing, unless it be ratified by the *King*, erroneously at least (if not fallaciously) concludes the *Sovereignty* or supreme power it self to be divided betwixt the *King* and the 3. *Estates*, or betwixt the *King* & the 2. *Houses of Parliament*; whereas their very *Parliamentary being*, & consequently the power of their *Parliamentary acting*, is derived from the *Supremacy* of power, inseparably and indivisibly and incommunicably inherent in the *King*.

The Sovereignty
how in its
streams divided,
and in its acts
limited.

But although the *Sovereignty* it self or original fountain of all power in a *Monarchy* be indivisibly & incommunicably in the person of the *King*, yet the *Streams* that issue or flow from that fountain may be, and are, and of necessity must be *divided & communicated*, so as may be most serviceable for the several uses, the whole *body Politick*, or the whole body of the Kingdom may have of it. And as this Supreme or *Sovereign Power* (though it be always indivisibly inherent in the *King*, as the fountain of it) may have its several *streams* divided & communicated: so in the exercise of its several *Acts & operations*, it may be, & in all *Political Kingdoms* it is, *limited & determined* in some more, & in some less, but in none more nor so much for the good of the *Subject* without prejudice to the *Sovereignty & Majesty* of the *King*, than in this of ours; where the *People* by their *Representatives*, are not only admitted to *propose* what they would have to be made *Laws*; but where no *Law* can be made but what they *propose* or *consent* to, though they do not make it, & though it be in the *Kings* power to refuse the making of it; because the *Laws*, we have already, are sufficient to secure all their Rights unto the

the People, as long as they are in force; & in force they will be, until the People themselves do consent to the repealing of them: For the King as he can make no *new Law*, so he can repeal no *old Law* without the consent of the Representatives of the People; who most certainly will never give their consent for repealing of *Magna Charta*, or the *Petition of Right*, or any other Law now in force, for the securing any of their just Rights and Privileges. So that the *Kings Negative* is not, nor cannot be prejudicial to the Interest of the *People*, but it is absolutely necessary for the preservation of *Monarchy*. For if the *King* could not refuse to make what the 2. Houses propose to be *Laws*, the *Sovereignty* would be wholly in them, & not at all in him; Nay he would be so far from having the *Sovereignty* of a *King*, that he would not have the *liberty* of the meanest of his *Subjects*, that sits in the House of *Commons*, in giving his *Yes* or *No*, according to the dictate of his own Reason and Conscience, which as it is every private mans right by nature, as he is a reasonable Creature, so it is the Kings right by Nature and Prerogative too, as he is a *King*, it being impossible to be a *King* without it. And therefore those that say the *King* is bound to pass all those *Laws*, *quas Vulgus elegerit*, which the People or Commonalty shall make choice of; or that he is but one of the *three Co-ordinates*, & therefore may be overvoted by the other two; or that he hath but a part of the *Sovereignty*, and therefore cannot over-rule those that have their parts in the *Sovereignty* as well as he; or that he may not prorogue or dissolve *Parliaments* when he thinks fit to do so; All these are *Enemies* not only to the well-being, but to the very being of *Monarchy*; and that not of *absolute* or *despotic* Monarchy only, but of *Political* or *Paternal* Monarchy also. And therefore though they cajole and flatter the *People* never so much,

The King's
Negative
voice ne-
cessary to
preserve
Monarchy.

Who En-
emies to
Monarchy.

much, they are the greatest Enemies they have, and as such the People ought to look upon them, & would do so, if they were not like Beasts without understanding, nay worse than Beasts without sense and memory of what they have so often and so lately suffered by listening to the same Songs of the same Sirens, or sweet Singers, that have so often deceived them.

*A Caveat
to Sovereigns.*

But if the People cannot or will not understand the things that belong unto their peace; yet Bewise O ye Kings, and be learned O ye Judges of the Earth; be wise for the Peoples sake, & be wise for your own sakes also. For if you do not prevent the raising & raging of those waves, the Pilot as well as the Passengers will be swallowed up by them. And there is no way to prevent the raising of those Waves, nor the raging of them when they are raised, but by rebuking the Winds that raised them; for if it were not for those boisterous Winds that puff them up, there would be no such swelling Waves as we see there are.

*The Conclusion of
this and
the three
foregoing
Sections.*

In the mean time (I hope) I have said nothing for the justifying of my self from being a **Defier of Deity and Humanity**, and from being an **Enemy to God, to Kings, and to all Mankind**, (as Mr. Baxter saith I am, because I maintain it to be *Unlawful for Subjects to resist their Sovereigns* in any cause, or upon any provocation whatsoever:) and for the confutation of Mr. Baxter's erroneous and seditious *Aphorisms* or Principles to the contrary; I hope, I say, I have said nothing in order to either of these ends, that will give any just offence to such as are judicious and impartial Friends to Truth, and do really wish and desire the continuance of the Peace and welfare of their Country; and then for such as are contrary minded, I care not what they think, or say of me.

The End of the Fifth Section.

SECTION VI.

The rest of Mr. *Baxter's* Reflexions called to account; as concerning the Bishop's advising him to reade *Hooker* and *Bilson*; as also his helping effectually (together with the Bishop of *Ely*) to bring Mr. *B.* and his party under; and lastly his causing Mr. *Jones* to be put out of the Duke's Service.

CHAP. I.

The Reason why the Bishop advised Mr. B. to reade Hooker and Bilson; and Mr. B's fraud in giving the account laid open.

THe rest of those things, he chargeth me withall, being of much less *importance*, I shall consider with much more *brevity*, both for the Reader's sake, and my own. And I will begin with that which indeed would be of no importance at all, and consequently not worth the taking notice of, but that there is something of *art* and *fraud* concealed

T in

Mr. B's in-
sincerity of
dealing.

in it, which ought to be detected to manifest Mr. Baxter's constant disingenuous and insincere dealing with those he writes against, either by making them say what they did not, and then concluding what he lifts from it; or by hudling things together that were said upon several occasions, and to several ends and purposes, as if they had been said upon one and the same occasion, and to one and the same end and purpose. Of the former of those juggling Arts of his, I have given divers Instances already: I shall now give one of the latter also. For whereas he saith, *I advised him to read BILSON and HOOKER*; it is very true, I did so; but whereas he adds, *that he found in them more than he approved for resisting and restraining Kings*, he would have it to be understood, that I advised him to read both those *Authours* upon one and the same Subject; namely, concerning **the resisting and restraining of Kings**, which he knows to be false. For I did not advise him to read either the one or the other of those *Authours*, or any Authour else upon that *Argument*, there being nothing at that time either in Debate or Discourse betwixt him

The true account of the Bishop's advising him to read these Authours.

and me; but of the *Service and Ceremonies of our Church*, and of the *Government of the visible Catholic Church*, in all Ages, and in all places. And as touching the former, I advised him to read *Hooker's Ecclesiastical Policy*, so touching the latter Bishop *Bilson*; but what Book of Bishop *Bilson's*? Not that of *Christian Subjection*, as he would make his Readers to believe it was; but his Book of the *perpetual Government of Christ's Church* in defence of Episcopacy. So that in saying *I advised him to read Hooker and Bilson*, and adding, *that he found more*

more in them than he approved for resisting and restraining of Kings; it is evident, that he did fallaciously intend to make his Readers believe,

Mr. B's
fallacious in-
tent in giving
the account as
he does.

First, That I advised him to read both those *Authours* for his better information in one and the same thing; whereas that for which I advised him to read Mr. *Hooker*, was the justification of the *Rites* and *Ceremonies*, and outward *form of worship* in our Church; and that for which I advised him to read Bishop *Bilson*, was to convince him that the *Church of Christ* had been always governed, as ours is, by *Bishops*.

Secondly, By what he saith he would have it believed also, that the thing for which I advised him to read the afore said *Authours*, was to inform him what he was to believe concerning the lawfulness or unlawfulness of *Princes* being resisted by their *Subjects*; whereas in that Book of Bishop *Bilson's*, which I advised him to read, there is nothing at all of that Argument, nor in Mr. *Hooker* neither.

Thirdly, He would make his Readers to believe also, that I approve of what both or either of those Two *Authours* hold to the prejudice of *Princes*; but he himself doth not; and consequently that he is a better friend to *Princes* than either they or I am. For if I advised him to read *Hooker* and *Bilson*, as he affirms, and I confess I did, and to read them, as *Authours*, whose opinion touching the resisting of *Kings* by their *Subjects* I approved of (as he insinuates,) but *He* did not; he must needs imply, not onely that *Hooker* and *Bilson* were, but that I am more for the lawfulness of *Kings* being resisted and restrained by their *Subjects*, than he is: Whereas if he had intended to have dealt fairly and ingenuously,

The Bishop of Winton's Vindication

either with me or his Readers, he should have told them not onely that I advised him to reade *Hooker* and *Bilson*, but what Books of theirs I advised him to reade, and to what end and purpose I advised him to reade them, which was (as I said before) to reade Mr. *Hooker* for the justifying of the *Service* and *Ceremonies* of our Church, and Bishop *Bilson* for the justifying of the *Government* of our Church by *Bishops*, and neither of them to that end and purpose which he would have his Readers believe I did, (*viz.*) touching the lawfulness of the *restraining and resisting of Kings by their Subjects*; for which he saith there was more in them than he could approve of, and yet no more than I must needs be thought to approve, because I recommended the reading of them to him: and consequently that I (as I said before) was more for *restraining and resisting* of Kings by their Subjects, than he was; so that by concealing what Books of those *Authours* they were, which I advised him to reade, and upon what Subject, and to what end I advised him to reade them, and, which is worse, by substituting another Subject-matter, instead of that which I advised him to reade them for, (wholly foreign to it,) his *fraudulent* dealing with his Readers, as well as with me, is so *apparent*, that it cannot be denied, and so *foul* that it cannot be excused.

But supposing it had been true, that I had advised him to reade both those *Authours* upon the same *Argument*, and that *Argument* had been concerning the *restraining and resisting of Kings*; yet I see no reason why he should say, that he found *more in them for the restraining and resisting of Kings than he did approve.*

CHAP.

C H A P. II.

Mr. Hooker saith more in favour of Kingly Power, and of our King in particular, than Mr. B. can approve.

FOr first, as for Mr. Hooker (supposing the three last Books of his *Ecclesiastical Policy* to be set forth without any alteration or Interpolation, as he left them, which many suspect they were not) but supposing, I say, they were all of them set forth as he left them, yet there is nothing to be found in any one of them, or in any of his former Books, for the lawfulness of *resisting* of Kings by their Subjects in any case, or upon any provocation whatsoever: but on the contrary in the *Eighth* or last of those three Books of his *Ecclesiastical Policy*, wherein *ex instituto*, On set purpose, he treats of the Power of Kings in the managery both of *Civil* and *Ecclesiastical* Affairs, though he supposeth most Kings to have been originally *chosen* by the *People*, as a Man is chosen by a Woman to be her *Husband*: yet as the Power of a *Husband* is not from the *Woman* that chuseth him, but from *God*; so the *Kingly Power* is not from the *People* that chuse such or such a Man to be their King, but from *God* onely: so that as the *Woman* cannot take away the power of a *Husband* from her *Husband*, after he is her *Husband*; so the *People* cannot take away the *Kingly* power from their King, after he is their King. And therefore he concludes, *That in case the Kingly*

Mr. Hooker's judgment of Kingly powers whether he be King by choice,

or

*Vid. Hooker's
Eccel. Pol.
lib. 8. p. 456.*

or supreme Power should be made use of to the publick detriment, he sees not how the Body (meaning the whole Body politick) by any just means should be able to help it self without the consent of him that hath the supreme Power. What could he have said more convincingly for the Declaration of his own Opinion, concerning the unlawfulness of the Peoples using Force against their King, though he make use of his Kingly Power to the detriment of the publick, or of the People in general? And though he be such a King as he supposeth, to have originally derived his Title from the free choice of the People, or from the choice of a free People? much less if he come in by Conquest; For some multitudes (saith Mr. Hooker) are brought into Subjection by force, Divine Providence it self so disposing; for it is God that giveth Victory in the day of Battle; and unto whom Dominion is in this sort derived, the same they enjoy according to the Law of Nations, which Law authorizeth Conquerours to reign as absolute Lords over them whom they vanquish.

Or by Conquest.

*Vid. Hooker's
Eccel. Pol.
lib. 8. p. 454.*

Now of Conquest, our case at first.

Now this way, that is by Conquest, was their Dominion or Kingly Power over this Nation of ours originally derived to our present Race of Kings.

But may they therefore now reign absolutely and at their own Will and Pleasure, as their first Predecessours who came in by Conquest did, or might have done? No, Mr. Hooker doth not say so, nor I neither; but he saith, and so say I too, *That by means of after agreement (or rather by after concessions, concessions and grants of Kings) it comes to pass in Kingdoms, that they whose ancient Predecessours were by violence and force made Subject, do by*

*Vid. Hooker,
p. 454.*

little and little grow into the sweet of Kingly Government,

verment, that is a Government of Kings governing-
 By Laws in a free and voluntary manner condescended Our Kings since have re-
 unto. And thus this Kingdom of ours of Despotical trained themselves.
 became Political, by our Kings limiting and restrain-
 ing themselves by Laws of their own and their Pre-
 decessours making, and much more by restraining
 themselves from making any Laws at all, but such
 as the Lords and Commons in Parliament should con-
 sent to. And this is all the restraint that Mr. Hooker
 acknowledgeth our Kings to be Subject to; and is
 this more than Mr. Baxter doth or can approve of?
 This doth not hinder the Government to be truly
 Monarchical, which Mr. Baxter saith it is not; nor
 the Supremacy to be wholly in one Person, both as
 to Ecclesiastical and secular affairs, as Mr. Hooker
 saith it is, and Mr. Baxter saith it is not. So that it
 was not Mr. Hooker's restraining, but his extend-
 ing, or rather acknowledging and defending the ex-
 tent of the Power of all Kings in general, and of
 the Kings of England in particular, that Mr. Baxter
 doth not, nor cannot consistingly with himself ap-
 prove of. We will instance in what he saith of our
 own King onely, according as he himself desireth to
 be understood, when he tells us, that *what he speaks*
of Kings, shall be in respect of the state and nature of
this Kingdom.

*What it is
 that Mr. B.
 doth not ap-
 prove.*

And first he tells us, *That this is an hereditary* Mr Hooker's
Kingdom, and that in hereditary Kingdoms Birth gi- judgement of
veteth right to Sovereign Dominion, and that the the descent of
Death of the Predecessour putteth the Successour by the Crown.
bloud in Seisin: He adds, That if it should so hap-
pen, that a man without right of bloud be elected, and
put into possession, with all the usual Ceremonies, and
Solemnities, all such new Elections and investings
are

The Bishop of Winton's Vindication

More than
Mr. B. ap-
proves.

pag. 184.

are utterly void; the Inheritour by bloud may dispossess him as an Usurper: the contrary opinion whereunto (he saith) is an unnatural conceit, and an insolent position, set abroad by seeds-men of Rebellion, onely to animate unquiet Spirits, and to feed them with possibility of aspiring to Thrones, if they can win the Hearts of the People. What say you, Mr. Baxter, is not this more in favour of such Kings as ours is, than you approve? I am sure it is more than you did approve, when (as you tell us in your *Holy-Common-Wealth*) you were bound to submit to the present Government, as set over us by God, and to obey for Conscience sake, and to behave your self as a loyal Subject towards them. But what was that present Government? It must be one or other of those Governments betwixt the late King's Murther and his Son's Restauration, which in Mr. Hooker's judgment were all of them *Usurpations*, and consequently all that voluntarily adhered and submitted to them *Rebels* and *Traitours*, because they did as much as in them lay to exclude and keep out the right Heir from the Crown in an hereditary Kingdom. So that I do not wonder if Mr. Baxter found more in Mr. Hooker than he could approve, as to this particular; but it was not for his too much restraining the Power of the King over his People, but for his restraining the Power of the People over their King, by setting up what Governours and what Government they please, contrary to the fundamental Institution of the Kingdom.

Of the King's
Supremacy.

Again, as Mr. Baxter might find more in Mr. Hooker than he could approve or had approved, for limiting the descent of the *supreme Power* here with us, to the next in bloud, or the right Heir, with-

without exception: so in regard of the *supreme Power* itself as it is vested in our King, he might find more in Mr. *Hooker* than he did approve, not for the *restraint* but *extent* of it, and that in regard both of *persons* and of *things*.

And first of *Persons*: For Mr. *Hooker* speaking of our King's *Supremacy*, saith, that "thereby it is ^{Over all persons.} intended and meant to exclude partly foreign Powers, and partly the Power which belongeth in several unto others, contained as parts in that politick Body over which the King hath *Supremacy*; in and by which words, all *Persons*, as well within as without the Kingdom, are excluded from having any part in the *Sovereignty* or supreme Power here in *England*; None *without* the Kingdom having any thing to doe with it, and All *within* the Kingdom being subject to it. And this is the true interpretation of the *Oath of Supremacy*; whereby (as I have proved before) the King is acknowledged to be the *only* supreme Governour *in* as well as of this Kingdom, and by consequence exclusively not only in relation to any that do pretend from *abroad*, but also from any that may pretend *at home* to have any part *in* or *of* the *Supremacy* with him. Whereas Mr. *Baxter* will have the *Oath of Supremacy* to be understood as intending *only* to exclude ^{This again more than Mr. B. approves.} *foreign* Pretenders to any *Supremacy* here, namely the *Pope* and his Successours; but not to exclude some that are at home, namely the *Parliament* from having a part of it. So that in respect (I mean in respect of the extent) of the *King's Supremacy* over all *Persons* in all capacities, Mr. *Baxter* might find more in Mr. *Hooker* than he could approve of (*viz.*) the *King's Supremacy* over all *Persons* in his Kingdom;

dom; and consequently his being the *only Supreme Governour* being utterly inconsistent with the division of the *Sovereignty* betwixt the King and Parliament, which is Mr. *Baxter's* fundamental Principle, upon which he grounds his defence of the late *Rebellion*, and lays a foundation of the like *Rebellions* from Generation to Generation for the future.

*Of the King's
Supremacy,
as to things.*

*Eccles. Pol.
p. 457. lib. 8.*

lib. 8. p. 469.

Again, as Mr. *Baxter* might find more in Mr. *Hooker* than he could approve, for the extent of the *King's Supremacy* in regard of the *Persons over whom*, so might he likewise in regard of the *Things whereunto* it is extended: concerning which in the general Mr. *Hooker* saith, *Our Kings, when they are to take possession of the Crown, have it pointed out before their Eyes, even by the very solemnities and rites of their Inaugurations, to what affairs their supreme Power and Authority reacheth: crowned (saith he) we see they are, inthroniz'd, and anointed: The Crown is a sign of their military Dominion; the Throne, of sedentary or judicial; the Oil of religious or sacred power.* So that according to Mr. *Hooker*, the *jus gladii*, the Power of the Sword, or the right of making War, as likewise of making *Laws* both *Civil* and *Ecclesiastical* belongs to the *King's Supremacy*. And to both those ends, (as he tells us afterwards) it is one of our *King's Prerogatives* to *call and dissolve* all solemn *Assemblies* about our publick affairs, either in *Church* or *State*, so that there can be no such voluntary *Associations of Churches* as Mr. *Baxter* would have, nor no such *Associations of the People*, without the *King's* leave, as others would have; no, nor no making of *Laws* neither, either in *Parliament* for the *State*, or in *Convocation* for the *Church*, when they
are

are called and met together, but by the King; and that not onely because no *Law* of any kind can be made without the Royal *Assent*, by reason of the *King's Negative*; without which (saith Mr. Hooker) *the King were King but in name onely*: but because it is the *Royal Assent* that makes it to be a *Law*. For though (as the same Mr. Hooker observes) *Wisdom* P. 471. *is requisite for the devising and discussing of Laws* (he means the *Wisdom* of the *Lords* and *Commons* in *Parliament*, for the devising and discussing of *Laws* for the *State*; and the *Wisdom* of the *Representatives* of the *Clergy* in the *Convocation*, for the devising and discussing of *Laws* for the *Church*) yet it is not that *Wisdom*, saith he, *that makes them to be Laws*, Of his Negative voice. *but that which establisbeth them, and maketh them to be Laws is Power; even the Power of Dominion: the chieffy whereof* (saith he) *amongst us, resteth in the Person of the King*. Whereunto he adds, *Is there any Law of Christ's which forbiddeth Kings and Rulers of the Earth to have such sovereign and supreme Power, in making of Laws either Civil or Ecclesiastical?* Which question being virtually a negative Proposition, implies that there is no *Law* of *God* to prohibit any *King* to doe what our *King* doeth, that is (as he positively and clearly affirms) to make *Laws* for his own *Subjects* by that *supreme Power* that resteth in his own *Person*, and consequently is not divided betwixt him and the *Parliament*; no, not in the making of *Laws*, which is the onely instance given by Mr. Baxter to prove the *Sovereignty* or *supreme Power* in this *Kingdom* not to be in the *King* alone, or in the *King* onely; which (as I said before) is the *Foundation* on which he superstrueth the building of his *Babel*, or the *Justification* of the

This against Mr. B.

And therefore
not approved
by him.

late Confusion and *Rebellion*. And therefore he had reason to say *he found more in Hooker than he did approve*; because, to approve all he found in *Hooker* touching the *supreme Power*, either of all Kings in general, or of our own Kings in particular, had been to condemn himself, who is much more for the *restraining* and *resisting* of Kings by their Subjects, than *Mr. Hooker*; who (as I said before) hath not a word of *resisting*, nor of *restraining* them neither, any otherwise than as they have restrained themselves by Laws of their own making. So that *Mr. Hooker* may still retain that honourable title which learned Men have given him of *judicious Hooker*, whatsoever *voluminous Mr. Baxter* hath said upon this or any other occasion, to take it away from him.

CHAP. III.

Bishop Bilson, though in an error, yet saith not so much for the resisting of Kings as Mr. B. doth. The Case stated of Subjects rebelling upon the account of Religion, and of other Princes assisting them.

AS for Bishop *BILSON* whom *Mr. Baxter* saith I advised him to read, I confess I cannot say *He* hath nothing for the *resisting of Kings* by their Subjects in any of his Books; but this I can say, that he hath nothing to that purpose in that Book of his which I advised *Mr. Baxter* to read;
no,

no, nor in any of his Books hath he so much for *resisting of Kings*, as Mr. Baxter himself in his Book of the *Holy Commonwealth*. And therefore I wonder he should say he found more in *BILSON*, for the *resisting and restraining of Kings* than he could approve.

Bishop *Bilson* was one of my Predecessours in the Bishoprick of *Winchester*, and much more before me in Learning than he was in Time: but *Bernardus non vidit omnia*, and the learnedst and best of Men are but Men; and therefore may err; and good men, very good men, may be the apter to fall into some kind of errours, both *speculatively* and *practically*, by indulging too much even to their good affections. And therefore I believe it was his Zeal for the *true Religion*, and his *compassion* to those that were *persecuted* for it, that made this Learned and Good Man say so much as he doth (which is more than I wish he had) in excuse of taking up of Arms by the *French, Dutch, and Scotch Protestants* in defence of themselves and their Religion, against their several respective Princes. And I think we ought to believe that it was for the same reason (and not for reason of State only) that Queen *Elizabeth* did at the same time assist with Men, Money and Arms, all the aforesaid Subjects against their aforesaid Sovereigns.

But yet, for all that, I do not think that either the Queen did well in doing what she did, or that the Bishop did well in writing what he writ in defence of them; because I do not think they themselves, I mean the subjects of those Princes, did well in making that resistance, which they did, contrary to the *Precepts* of the *Gospel*, and to the *Practice*

Bishop Bilson in an errour about resistance.

The ground of his errour.

The censure of it.

The Bishop of Winton's Vindication.

A Remark
upon our late
Rebellion.

Practice of the *Primitive Christians*. And I remember that upon this consideration, during the time of our own troubles, I have often thought, and sometimes said to some of my familiar friends, that I was afraid that God had permitted the Peoples rising up in *Rebellion* against the *Crown* and the *Church* here, because the *Crown* had assisted, and so eminent a Church-man had excused the rising up of other Princes Subjects in Rebellion against them abroad. For though ours had not really the same provocation to rebell, as the Subjects of those Princes had (*viz.*) of being *persecuted* and oppressed for Conscience sake, and for professing the *true Religion*, as they were; yet they pretended themselves to be so, and so may Subjects of any *Prince*, or of any *Religion*, at any time, and whether truly or falsely it is all one, as to the endangering of the publick Peace and Welfare of all Kingdoms and States: which will be always in danger of a *Civil War*, if but in any one case onely it be allowed to be lawfull for *Subjects* to *resist* those that have the *supreme Power*; and of a *foreign War* also, if the *Rebellious Subjects* of one Prince or State may be lawfully assisted by another State or Prince, because they are of the same *Religion*, whether the true one or a false, (as I said before) it makes no matter: for it is not the trueness of any Religion, but Mens believing it to be the true, and onely *true Religion*, that makes men think they are obliged in Conscience to contend for it, as appears by some Mens being as zealous for the maintaining and propagating of *Judaism*, and *Mahometanism*, as others are for *Christianity*; and amongst *Christians*, so many of them being as zealous, and perhaps more zealous for

Religion, true
or false, in-
spirits men
alike.

for *Schism* and *Hereſie*, than others are for *Unity*—
and *Orthodoxy*: And we ſee the *Papiſts* have their—
Confefſours and their *Martyrs* as well as *Proteſtants*—

And therefore if a *Proteſtant King* may aſſiſt *Pro-* Not ſafe, nor
lawfull for
one Prince to
aſſiſt ano-
ther's Rebel-
Subjects.
teſtant Rebels againſt their *Popiſh Kings*, becauſe
they are of his (which he believes to be the onely
true) Religion: why may not a *Popiſh King* for the
very ſame reaſon aſſiſt *Popiſh Rebels* againſt their
Proteſtant Kings, becauſe he believes the *Popiſh* to
be the onely true Religion alſo? and conſequently
as long as there are diverſities of *Religion* in the
World (as there will be till the Worlds end) there
will be no ſecurity of *Peace* or ſafety at home or
from abroad, either for King or Subjects. The
great and good God therefore, who is the *Authour*
of Peace, and lover of Concord, as he will not have
Subjects to reſiſt their Princes, ſo he will not have
one Prince to aſſiſt another Prince's Subjects in their
Rebellion againſt him, in any caſe, or upon any ac-
count whatſoever. Mediate or intercede for their
pardon, or for the mitigation of their ſufferings he
may; but encourage or aſſiſt them in reſiſting he
may not. For the Rule, *Quod tibi fieri non vis, al-*
teri ne feceris, To doe as we would be done by,
holds in Princes and States as well as in private per-
ſons; and ſurely there is no Prince or State, that
would have their rebellious Subjects to be aſſiſted in
their Rebellion by any other Prince or State, and
conſequently, they muſt needs be *αὐτοκαταπίπτοι*,
condemned by themſelves, when they doe that unto
others which they would not have done unto them-
ſelves.

What ſhall we ſay then? Are we not to help
thoſe that are perſecuted for the profeſſing of our

own

*How we are
to help those
who are per-
secuted for
Religion.*

own and the true Religion? No, we are not to help them in *resisting*, and making War against their Sovereign; but rather to admonish them to suffer patiently; and then to help them by our Prayers to be delivered by God, who can and will deliver them, if they suffer patiently and wrongfully; or if he do not deliver them here, he will abundantly and superabundantly recompense them hereafter. In the mean time if they be banished or forced to fly out of their own Country, we are to receive them kindly, and to relieve them charitably and bountifully, as we would be glad to be received and relieved our selves, if we were in their condition.

*Mr. B's de-
sign in this
reflexion
defeated.*

And this is all I have to say as to this particular, of which I need to have said no more to discover Mr. Baxter's fraudulent and disingenuous dealing with me, and with his Readers, than what I said at first (*viz.*) That although I did advise him to read Mr. Hooker and Bishop Bilson, yet I did not advise him to read either of them upon that Argument, or to that end and purpose, as he pretends I did; thereby to insinuate that there being *more in them for the restraining and resisting of Kings, than he did approve*, I, that advised him to read them, must needs be more for the *restraining and resisting of Kings* than he was. This was that which he principally aimed at; but I hope I have made it appear, he hath missed his mark.

CHAP. IV.

The Bishop charged with helping to bring Mr. B. and his party under. By his party he means not the Presbyterians, but all the Nonconformists.

MR. Baxter in his Preface to his Book of *Concord*, addressing himself to the Bishop of Ely and me, saith, *You have above all men I know effectually helped to bring us under: but whom he means by Us, or what he means by bringing them under, he doth not tell us, nor how We have done it effectually or more effectually than any he knows besides.* But sure it is some heinous crime or other (at least in his opinion) that he intends to charge us with. And therefore he should have done well to have expressed more fully and clearly, what he meant by it: But seeing it hath not pleased him to do so, we must guess at his meaning as well as we can, both in regard of the *Thing* he saith We have done, and of the *Persons* We have done it unto.

And first for the *Persons*, whom he means by *Us*; I should have thought he had meant the *Presbyterians*, but that by *Us* must be meant some, of whom he himself is one, and he hath not onely disclaimed his being a *Presbyterian*, but takes it for an injurious and scandalous expression of an *Episcopal Indignation* against him, to be said to be the *Antesignanus*, or Standard-bearer of the *Presbyterians*, being no *Presbyterian* himself, and therefore could not be their *Antesignanus*, or not theirs onely. But why might not he be a *Presbyterian* then, when I thought

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And takes it
for an affront
to be thought
so.

thought he was so, though he was not so afterwards, nor be not now? For sure he hath not been *semper idem*, Always of the same Opinion. Time was when he was an *Episcoparian*, or he would not have been ordained by a *Bishop* (as he saith he was) nor would not have subscribed to what he did; And yet whatsoever it is that he is for now, I am sure it is not *Episcopacy* in the controverted Notion and sense of it. And therefore his disclaiming his being a *Presbyterian* now, doth not prove he was not so then when I thought he was. But supposing I was mistaken in thinking him to be a *Presbyterian*, I know not why he should take it as an affront to be thought to be so: for being evidently and confessedly a *Dissenter* from the Government, and publick way of Worship, as it is established by Law in the Church of England, I thought it was more for his Honour to be thought and treated with as a *Presbyterian*, than as one of any other of the more novel and more ignoble *Sects*; which though they all of them have *Presbytery* for their Mother, yet they had not all of them *Calvin* for their Father, but are the bastard issue of unknown Sires.

Why called
their Antefig-
nanus.

Besides I had reason to think that Mr. Baxter was of the same persuasion that his *Commilitones*, his Fellow-Souldiers, in the Dispute at the *Savoy* were, who were always taken for *Presbyterians*, and did not take it for a Reproach, but rather for an Honour to be thought to be so. And if it be honourable to be of such, or such a party, it is much more honourable to be the *Antefignanus*, or leader of such a party. And therefore thinking as I did, for the reasons aforesaid, Mr. Baxter to be a *Presbyterian*, and hearing

hearing he had been a *Souldier* in the late War, and having observed how he had behaved himself as a *Leader* in the aforesaid Dispute at the *Savoy*, I thought I could not call him a more proper name in relation to both his *Professions*, I mean that of a *Warriour*, and that of a *Disputer*, than that of *Antesignanus*, a *Standard-bearer*.

But perhaps I may be mistaken all this while in thinking Mr. Baxter takes it ill to be called either *Antesignanus*, or *Antesignanus Presbyterianorum*: Whereas it is his being called *Antesignanus* of the *Presbyterians* onely, and not of the other *Sects* as well as of that, which offends; it being a diminution of his just Title to be the *Antesignanus* but of one *Sect* onely, whereas he undertakes the defence of all the *Nonconformists*, so far forth at least as they refuse to conform to the *Church of England*, how much soever they may differ among themselves; as appears by the *Title page* of one of his last Books, published last Year, but written (as he saith) many Years before; and called, *An Apology for the Nonconformists Ministry, containing their Reasons for their Preaching, and an Answer to the Accusations urged as Reasons for the silencing about 2000 by Bishop Morley, Dr. Saywell, Mr. Durell, &c.* From which Title of that Book of his, it is manifest that he owns himself an *Apologist* for all the *Nonconformists*, at least for all their *Preachers*, and especially for all those that were *silenced*, which were all that had been *Preachers* before, (of what *Sect* or denomination soever,) which would not subscribe and submit to the *Act of Uniformity* after the King's *Restoration*. And those were *Anabaptists*, *Antinomians*, *Quakers*, *Fifth-monarchy-men*, as well as

Mr. B. an Apologist for all the Nonconformists.

What his
Nonconformist
Ministers are.

Presbyterians and Independents: for all these were *Nonconformists*, and every of these *Sects* had their *Preachers*, who were all of them equally silenced by the *Act of Uniformity*; and therefore must be reckoned amongst those for whom *Mr. Baxter* professeth himself to be an *Apologist*; and indeed if they be not, I think he will hardly make up one of his 2000 *silenced Preachers*. If he say that in the aforesaid *Title* to that Book of his, it is the *Nonconformists Ministry*, or the Ministers of the *Nonconformists* that he pleads for; I demand whether by the *Ministry* he means onely such as have an *outward Call* by publick Authority to the Work of the Ministry, or to the teaching of others; whether that calling be by the *Episcopal* or *Presbyterian* way of Ordination? If so, then not onely all those *gifted men*, that pretend to no other but an *inward calling*, are excluded from being any of his 2000 whom he pleads for; but the *Congregational* or *Independent Preachers* also, who have no outward calling but from their own Congregations onely; and so perhaps have the *Gifted men* (whether *Anabaptists*, or *Quakers*, or any other of the *Fanatical* holders forth) from those that are their own Auditors also; so that *Mr. Baxter* must either leave out *those* (I mean the *Independents*) or take in *these* (I mean all the rest of the *Sectaries*) into the number of those he calls the *Nonconformist Ministry*, and for whom he professeth he maketh the aforesaid *Apology*, and whom he would have restored to the same liberty or *licence of preaching* which they had formerly in the time of the Rebellion, and Usurpation. A very sober and seasonable *Proposal* to be made to *Bishops*, and those Bishops whom he makes

it to, are very much beholding to him for the good opinion he hath of them, as the onely men of their Order that are likely to hearken to such a proposal.

In the mean time we may learn from hence, whom he means by the word (*Us*;) when he tells the Bishop of *Ely* and *Me*, that *We* two, of all he knows, have most effectually helped to bring *Us* (that is, all the *Nonconformists* of all kinds) under.

CHAP. V.

How Mr. B. and his party have been brought under, and how they brought in the King.

WE are therefore now in the second place to guess as well as we can, at what he means by bringing him and the rest of the *Nonconformists* under. There is none of them, I believe, but would be uppermost if they could; for *Pride* is inseparable from *Schism*, and it is the downfall of *Pride* to be brought under. The Two chief Sects of the *Nonconformists*, the *Presbyterians* and *Independents*, have had their turns in being uppermost; the *Presbyterians* whilst the *Parliament*, and the *Independents* whilst the *Army* and *Cromwell* had the power: of which two Sects it may be said, as it was of *Cæsar* and *Pompey*; the one, to wit, the *Independents*, like *Cæsar*, could not *ferre priorem*, could endure none to be above them; and the other, to wit, the *Presbyterians*, like *Pompey*, could not

What he means by bringing them under.

Independents and Presbyterians like Cæsar and Pompey.

ferre

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ferre parem, must needs have all to be *under* them; and therefore each of them having been *uppermost* before, they must needs be very angry with all those who have helped to bring them both *under*, after they had domineered so long as they had done. And of those that have helped to bring them under, Mr. Baxter tells the Bishop of *Ely* and *Me*, that We two, of all men he knows, have been the chief.

But *under whom*, or *under what* is it that We have helped to bring them? Sure it must be under some Person, or some Thing; that they would not willingly have been brought under; otherwise they would not have been angry with us, or complained of us for so doing.

Under whom they are brought, viz. the King.

Under whom is it therefore that We have helped to bring them? Is it not He under whom they ought always to have been under, namely, the *KING*, their natural *Liege-Lord* and *Sovereign*? But they had brought his *Father* under them, and therefore were the more unwilling to be brought under his *Son*, for fear he might remember and revenge what they had done unto his Father. And though they have found the contrary (to the praise of his incomparable *Clemency* be it spoken) yet (such is their *Ingratitude*) they seem to be as weary of being under the *Son*, as they and their Predecessours were of being under the *Father*; as appears by their taking the same ways, and using the same Arts to disaffect and stir up the People against the one, as their Predecessours had done formerly against the other. But I hope, though the People now rage so furiously, and some of the Rulers take Counsel together against the Lord, and against his Anointed, yet that which they imagine (namely, to break the hands of their

their Allegiance asunder, and to cast away the cords thereof from them) will prove but a vain thing; for he that sitteth in Heaven shall laugh them to scorn, the Lord shall have them in derision; and will keep up him, whom he hath set up over us and them too, and will bring down those (how many and how mighty soever they may seem to be) that shall dare to rise up against him.

But perhaps Mr. Baxter will say, that he and his Party, for whom he doth apologize, are so far from being concerned in what I have said, for the bringing them under the King, that they were the Men that brought in the King to reign over them, and us too; and that if it had not been for them he had never been brought home as he was. The former clause of which saying of theirs I utterly deny; for they kept him out as long as they could; and would have done so for ever if they could have established any other Government; but that if it had not been for them he had not come home as he did, is true in one sense; that is, he had not come home from having been banished, and forced to live abroad so many Years together, which they were indeed the cause of; but in another sense, namely, that he came home as he did without any capitulations or conditions of restraint put upon him, They, I mean the Nonconformists were so far from being the cause of, that they did what they could to hinder it; and I could name the place where a Consultation was held by the Grandees of the Faction, to oblige him, before he came home, to consent to those very Propositions which were made by the Parliament Commissioners to his Father at the Isle of Wight, which would have left him but the Name of a King onely; but

How Mr. B. and his party brought in the King.

-but the *curst Cow* had *short horns*; the *Army* was in better hands than it had been; and he that was Commander in chief of it, having purged out all that would not comply with his loyal Intention to bring in the King *as a King*, he frustrated the designs of those that would have brought him in manacled, or not have brought him in at all; which were all the *Nonconformists*, and especially those of the *Presbyterian* Party, who though they did not, because they could not hinder the *King's Restauration* in that manner he was restored, nor consequently their being brought under him, so far as to own and acknowledge him to be their King, by taking a *pardon* from him for what they had done against his Father and himself; yet they do not, nor will not own him as all *Subjects* ought, and as all good *Subjects* do own their *Kings*, by obeying their *Laws*. And perhaps, that which Mr. *Baxter* means by the Bishop of *Ely's* and my helping to bring him and his Party *under*, is the bringing of them under the obedience of the *King's Laws*, by silencing such as will not obey them.

An account of
Ministers silenced
by the Bishop.

What the Bishop of *Ely* hath done in that kind I know not; but this I am sure, that neither he nor I could have obeyed the Laws our selves, if we had not *silenced* those Preachers that would not conform to what they were enjoined by Law; and which if they refused, We that were Bishops were enjoined by Law to silence them as we did, how few or how many soever they were of them; though I verily believe they were not half the number Mr. *Baxter* speaks of. In the Diocese of *Worcester*, whilst I was Bishop there, Mr. *Baxter* himself was the onely man whom I silenced; and since

I was

I was Bp. of *Winchester*, which is now above 20 Years, I do not think the *Nonconforming Ministers* I have silenced have been half so many, I mean half so many men silenced as there have been years since; which I do not say to ingratiate my self with the *Nonconforming Party*, as if I would not have silenced more if there had been more to silence; that is, if there had been more in possession of any Benefice or Cure of Souls in that *Diocese*, who refused to conform to all, that by the *Act of Uniformity* they were enjoyned to conform unto: but I say it, to shew the impossibility of the silencing 2000 in all, when there were so few silenced in that *Diocese* of *Winchester*; which is none of the least, though there be some greater.

Besides, I presume Mr. *Baxter* means by his 2000, not onely such as were put out of their Livings or Cures, for refusing to conform, or for their *Inconformity* onely; but such as likewise were put out because they were *Intruders* into other mens Livings (as Mr. *Baxter* himself was) and consequently were by Law compellable to yield possession to the right owners that were then living, who perhaps were some Hundreds of those Thousands. I am sure all We of the *Clergy*, that were abroad with the King, and all those that were at home, and had been put out, because they would not take the *Covenant*, and lived till after the King's and the Church's Restitution, by being restored to what was our own before, must needs dispossess many of those whom Mr. *Baxter* would have thought to have been put out for *Inconformity* onely.

Intruders as well as Nonconforming Ministers put out.

But supposing all that were put out or silenced, had been put out and silenced for *Nonconformity* onely;

Y

and

and supposing too that there were 2000 of them; yet how the Bishop of *Ely* and *I* did more to the bringing so many of them under that penalty than other *Bishops* did, or than all *Bishops* were bound to do, I do not understand; unless he means that We did it more *effectually* than any other of the *Bishops* did; which is to cast an imputation of *Connivence* at the breach of the Law in favour of the *Nonconformists* upon all the rest of our Order, which I think none of them will own as a favour from him. For my own part, as I did willingly consent to the making of that Law, (I mean the *Act of Uniformity*) so I did as willingly put it in execution, where I was obliged to do so; as believing it not onely to be *just* and *equitable*, but in an high degree *expedient*, if not absolutely *necessary* also.

C H A P. VI.

The Justice and Equity, as also the Prudence and Necessity of silencing the Nonconformists. The King's Promise at Breda, being onely conditional, acquitted.

*The silencing
of the Noncon-
formists a
just and equi-
table punish-
ment.*

And first, it was very *just*, and very *equitable* also, in relation to what was passed, I mean if they had been enjoined *silence* for the future by way of *punishment* onely, for the mischief they had done by *Preaching* formerly; which was such as I cannot think of without horreur, nor they should not think of, without a thankfull acknowledging

ledging it for a very great Mercy and Favour from God and the King, that they had onely the *Liberty* and opportunity of doing more mischief taken away from them, when their *Lives* might most justly have been taken away for the mischief they had done before. For it is upon this account that Mr. Br. himself justifies *Solomon's* deposing *Abiathar* the High-Priest, (who was the next person in dignity to the King himself amongst the *Jews*) because he might have taken away his *Life* (saith Mr. Baxter) as well as the *Priesthood*, for his siding with *Adonijah* in his Rebellion. And might not our King, upon the same account, have taken away Mr. Baxter's own *Life*, and the *Lives* of all the rest of the *Non-conforming Ministers* (as Mr. Baxter calls them) namely for siding with the *Rebellious Parliament*, and not onely for siding with it themselves, but for stirring up all the *People* to side with it also against his *Father* and himself? And ought they not then to acknowledge the taking away of but their *Living*s, (which they had never any *legal* right to) and their *liberty to preach*, which they had so horribly abused; ought they not (I say) to acknowledge it to have been, at least a *just*, if not a very *favourable* punishment for their former offences; and *equitable* too, as well as *just* and *favourable*, it being but the doing that unto them justly and legally which they had most unjustly and illegally done before to all the *Conformable Clergy*, by thrusting them out and intruding themselves into their places?

Mr. B's own
case the same
as he makes
Abiathar's
to be.

Again, as the *depriving* and *silencing* of the *Non-conformists* considered as a *punishment* for what they had done before, was not onely *just* and *equitable*, but *favourable* also: So, considered as a *Caution*

The silencing
of them pru-
dent and ne-
cessary also,
by way of
caution.

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against what they might doe for the future, it was not onely **prudent** and **expedient**, but as things then stood absolutely **necessary** for the securing of the publick Peace both in *Church* and *State*, and consequently the safety and welfare both of *Prince* and *People*.

No thanks to
them for the
King's com-
ing home.

For We had reason to believe it was neither a *μετάνοια*, nor a *μετάνοια*, it was neither a *remorse* for what they had done, nor a *change of Mind*, either in their judgments or affections, in order to what they would doe, that made any of the *Non-conformist* Parties give way to the *King's coming home* as he did; but onely their disability to hinder it; partly, by reason of the irreconcilable differences among themselves, and partly because the *Army* was no longer in their Power, but especially because the over ruling Wisdom of the *divine Providence* would have it to be so. And therefore as we were not to *thank* them for that blessed change that was made so much against their Wills, both in the *Church* and *State*; so, were we not to *trust* them neither, with having any thing to doe, either in the one or in the other; especially in the *Church*, without giving some assurance beforehand, that they would not *preach* and *act* as they had done formerly. And the *Assurance*, which by the *King* and his great *Council*, was thought fit to be given by them, was first a renouncing of the *Covenant*, and secondly to declare their *Assent and Consent* to whatsoever by the *Act of Uniformity* is required of them; either of which if they refused to doe, they did as good as tell us in plain terms what we were to expect from them, namely, that they thought themselves bound by their *Covenant* to pursue

The security,
the govern-
ment requi-
red of them.

sue the ends of it whensoever there should be an opportunity for it, and in the mean time by their *praying* and *preaching* to disaffect the People as much as they could, to that way of publick *Worship* which they themselves refused to comply with and submit to. And can any man think it was safe for us, or consistent with the publick Peace, either in *Church* or *State*, to suffer such men to continue in their stations, or to be permitted to harangue the People as they were wont to do?

They themselves (when they were in Power, *Their own measure meted to them.*) thought it not onely *lawfull* and *prudent*, but *necessary* also for the upholding of their illegal and usurped Authority, to *deprive* and *silence* all our *Clergy* that would not take their *Covenant*, and submit to their *Directory*. And is it not as *lawfull*, and *prudent*, and *necessary* too for Us, in order to the securing of the legal, both *Civil* and *Ecclesiastical*, Government, to *deprive* and *silence* those that will not renounce that *Covenant*, whereby they are obliged to ruine both; or that will not join with us in the publick *Worship* of God, as it is prescribed in the Book of *Common-Prayer*? Certainly, if it were *prudent* and *necessary* for *Them* in their Circumstances *then* to doe the one, it must needs be as *prudent* and *necessary* for *Us*, in our circumstances *now*, to doe the other, even themselves being Judges: to say nothing of the *unlawfulness* of what they did unto Us, as being unjust in itself, and having nothing to warrant it, but an usurped Power; and the *lawfulness* of what we do unto them, as being just in it self, and being authorized and commanded to be done by that Power, which We are legally obliged to obey.

I know

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*The King's
Promise at
Breda dis-
charged,*

*As being con-
ditional.*

I know Mr. *Baxter*, and others of the *Dissenting* Party, use often to alledge, and mainly to insist upon what the King promised them at *BREDA*, and made them hope should be done for them, when he came home. But they know, or ought to know, that those *promises* (whatsoever they were) as they were meant by the King, so they were to be understood by them, to be obliging so far forth onely as they should be approved and consented to by his great Council, the Two *Houses of Parliament*, without whose Advice, Approbation and Consent, they knew the King could repeal no *old Law*, that was in force against them, nor make any *new Law*, in favour of them: Either of which the two *Houses* were so far from advising him to doe, that the *House of Commons* gave him unanswerable reasons (lately reprinted) why nothing of that kind could be done, without hazarding a relapse both of *Church* and *State* into as bad, or perhaps a worse condition than that which it was newly come out of. For the preventing whereof it was the *House of Commons*, the Representatives of the People, and not the *Convocation*, the Representatives of the Church, that upon mature deliberation, devised and drew up that *Bill*, which being assented to by the *Lords*, they presented to the *King* to be made a *Law*, (as it was by the King's *Fiat*) to oblige, and be imposed upon all that are, or pretend to be of the *Clergy*, before they be permitted to preach unto the People, or to have the Education of Youth here in this Kingdom: and this is the Law called the *Act of Uniformity*.

After the making of which *Law*, by the Advice, and with the Consent of both *Houses of Parliament*,
it

it is to no purpose to alledge or insist upon any former *Promise* made by the *King*, and made by him but *conditionally* onely, that is, if he were or should be so advised by his *Parliament*, and not otherwise. And indeed for them, or any Agents of theirs, to desire any thing of the *King* before he came home, as to the repealing of any *old Law*, or the making of any *new Law*, without or against such Advice or Consent of *Parliament*, or any otherwise than conditionally, if the *Parliament* would consent to it, was a high breach of the highest Privilege of both Houses of *Parliament*, in those that did *desire* it then, or do now *complain* it was not done, when they knew it could not be done by the *King* alone, and saw the *Parliament* would not consent to it; and therefore I say, still to insist upon any such *promise* made by the *King*, must needs be a very great Affront to both Houses of *Parliament*, unless they be of Mr. Baxter's opinion; (who as I have before observed) notwithstanding his magnifying the Power of *Parliaments*, by dividing the *Sovereignty* betwixt the King and them, affirms, that in some cases *the King* may make a *Law*, not onely without, but against the consent of the People, if it be for their good: because it is to be supposed (saith he) they would have consented unto it, if they had known it to be so; which how far it may intrench on the Power of *Parliaments*, I leave it to them to consider: I am sure, I dare not be so bold with them.

Their carriage, an affront to the Parliament.

Mr. B's boldness with Parliaments.

C H A P. VII.

The Act of Uniformity, why made. Some other probable Reasons for Nonconformity, and not Conscience altogether, as Mr. Baxter saith it is.

The reason of the Act of Uniformity.

The penalty of not conforming.

BUT to return to what we have in hand, the *King* having *by advice*, and *with the consent* of both Houses of *Parliament*, first passed an *Act of Oblivion* to quiet mens Minds for what was passed; to prevent our falling again into as bad or perhaps a worse condition for the future, if ill principled and ill affected *Preachers* were permitted to blow the trumpet of *Sedition* and *Rebellion*, as they had done formerly, His *Majesty* did, by the *Advice*, and with the *Consent* of the said both Houses of *Parliament*, enact the aforesaid *Act of Uniformity*, thereby providing that none should be admitted or permitted to *preach* to the People, or to *teach* their Children that would not *subscribe* and *conform* to what was required to be subscribed and conformed unto by that Act. Which was no more than they have already consented to by their Representatives in *Parliament*, and consequently to the *Penalties* for refusing to conform to it also; which was neither loss of *Life*, nor *Limb*, nor *Liberty*, nor any part of their *Goods*, but onely their forbearing to *preach*, untill they were better informed, and could bring themselves to comply both in Judgment and Practice, with what their Duty and Obedience to the Law required of them, as some of the learnedst, and
gene-

generally thought to be as conscientious as any of them (namely, Bp. Reynolds, and Dr. Connant) did; ^{Some have} ~~conformed.~~ as perhaps many other *learned* and *conscientious* men did also. But they were not one of an hundred, will Mr. Baxter say, in comparison of those that did not, nor could not *conform*: True, I confess, as to those that *did not*, but whether all that did not, *could not*, is a thing, with Mr. Baxter's good leave, may be doubted, whatsoever he hath said to the contrary; as when he saith, that to think any that do not *conform*, would not conform, if they could with a good Conscience, is to think them all to be *Fools* or *mad Men*, for preferring Poverty before Plenty, Want before Wealth, Contempt before Honour and Respect, and Imprisonment before Liberty, which no man in his Wits either would, or ought to do, if he might chuse whether he would so or no without sin. And therefore Mr. Baxter thinks we must needs grant it is nothing but fear of sinning against God that makes the *Nonconformists*, not that they *will not*, but that they *dare not* conform to what the *Laws* of the *Land* as well as of the *Church* require of them.

As if all the *Nonconforming Ministers* that were put out of the Livings they were in, or that by reason of their Inconformity are incapable of any Preferment in the Church, are therefore all of them *men of Conscience*, and that whatsoever they ought to doe and will not, or will doe and ought not, it is for *Conscience*, or for Conscience sake onely, or for fear of sinning against God if they did what they do not, or did not what they doe; that is, if either they did *conform* when they are commanded, or did not *preach* when they are forbidden. But is there, or can there be no

other cause of their not doing what they should doe, and their doing what they should not doe, but *Conscience* onely? May it not be *peevishness* in some, and *perverseness* in others? May it not be *Pride* and *Ambition* in the *Leaders*, and *Ignorance* and *Obstinacy* in those that are led by them?

Bp. Brown-
rig's account
of Mr. Cal-
amy's not con-
forming.

I remember, that when Bishop *Brownrig* (who is one of the few Bishops that Mr. *Baxter* vouchsafes to speak well of) and I went together to the *Treaty* with the late King at the Isle of *Wight*, he being one of the Three *Divines* named by the *Parliament*, and I one of the Three named by the *King*, (though very unworthy I confess to be so,) when that learned Bishop (I say) and I went together in his Coach towards the Isle of *Wight*, (I remember not now upon what occasion it was, but) I remember very well that I ask'd his Lordship whether he knew Mr. *Calamy*, and he answered me he did, and had known him from his first coming to *Cambridge*. Pray, my Lord, said I, was he always a *Nonconformist*? No, said he, far from it in his practice, as well as in his judgment, even untill the beginning of these times. How came he then, said I, to be so suddenly, and so strangely changed from what he was? Why said the Bishop, he saw the Tide was turning, and having a good opinion of his own parts, he thought if he was one of the foremost in coming in, he might be one of the foremost, if not the foremost of all the Leaders of the whole Party, as you see (said he) he is: adding that the hope to be head of a Faction was a powerfull Temptation. And why might not the same Temptation prevail with many others, that thought as well of themselves as Mr. *Calamy* did, and consequently might have the same hopes that he had.

But

But why then (may it be said) did not the same men, when the Tide turned again, at the King's coming home, turn with it; especially such of them as were invited by the offer of considerable *Preferences*, if by *conforming* they would make themselves capable of them? I answer that some of them did so; and that those that did not, might be kept from doing it for fear of losing the *Reputation* and *Interest* they had gotten in the *Nonconforming Party*; which though it were down for the present, yet it might, they thought, get up again, as it had done formerly, when it was lower than it was then. In the mean time, some of those few that had such *Offers* made them, and finally refused them, took time to deliberate whether they should refuse them or no: thereby plainly shewing that they were not then fully resolved in point of *Conscience*, that a man might not either be a *Bishop* or *Dean* of a *Cathedral* without sin, though they had formerly condemned and covenanted against both. Neither did their finally refusing of them prove the contrary: for though they might, and did, think it lawfull to accept of those offers, and consequently lawfull to conform to the *Act of Uniformity* in order to their being capable of them, yet they might, (as I said before) so value the *Interest* they had in their *Party*, (which as they knew they should lose by *accepting*, so they knew they should improve by *refusing* those *Offers*;) that for that very reason onely they did finally refuse to accept of them; but not till they had made their advantage of such offers having been made unto them; namely, the indearing of themselves by so much the more unto their *Party*, by how much the more they might have

A probable reason why some refused offers of preferment,

To wit, to indear themselves to their party.

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had, if they would have gone off from them: which being made known to those that were their *Disciples*, as it could not chuse but make them the more beloved and esteemed; so it could not chuse but make them to be more liberally and largely supplied and maintained also, that they might not be altogether losers by the refusals of such Offers. Whether Mr. *Calamy* made any such advantage of his refusal of the Bishoprick of *Litchfield* and *Coventry* or no, I know not; but this I am sure of, that at a meeting betwixt him and others of his Party, with Bishop *Henchman*, me, and others of our Party, at a Booksellers Shop in *St. Paul's Church-yard*, Mr. *Calamy* sitting next to me, did whisperingly ask me what the Bishoprick of *Litchfield* and *Coventry* was worth yearly, I told him it was commonly valued at 1500 *l. per annum*; whereunto he replied nothing, but that he thought it had not been worth so much. Why he asked me this question, and whether he made use of my answer in order to the improving the Interest he had before in his own Party, either in point of *Credit* or *Profit*, let others guess; but that he asked me such a question, and that I gave him such an answer, I averr *verbo Sacerdotis*.

Many stood
out, in hopes
of a Tolera-
tion.

Hereunto I might add, that many would have conformed that did not, especially many of those that were beneficed in the *Country*, if they had not been made believe by the *Grandees* of their Party in the *City*, that there would be shortly a *Toleration* granted upon easier terms than those required by the Act of *Uniformity*: and so much the rather, and the sooner, the more resolutely and the more generally they refused to comply with, and submit to the Act of *Uniformity*. Whether they that writ this, and caused

caused it to be dispersed among those that were possessed of *Cures* in the *Country*, did believe it themselves or no, or whether meaning to stand out themselves, they made use of this *pious fraud* to increase the number of those that stood out with them; they did by this means make many refuse to *conform*, who were afterwards heartily sorry for it, though most of them were ashamed to own they were so.

CHAP. VIII.

Mr. Baxter's Plea for Nonconforming Ministers may alike serve for Popish Priests. The peculiar excellency of the Churches Sermons, viz. her Homilies, set forth.

BUt supposing, though not granting, that all that did not *conform*, and were put out of their employments in the *Church* upon that account, did refuse to conform for *Conscience* sake onely; doth it therefore follow that having *preached* as they had, and done as they did, and refusing to give *caution* that they would not *preach* so, and doe so still, they might not in *Justice*, or ought not in *prudence* to be forbidden to preach either in *publick* or *private* any more, untill they should give such *caution* for their good behaviour for the future, as the *Wisdom* of the *State*, as well as of the *Church*, thought fit to require of them? Sure they will not say that there are none that ought not to be forbidden to *preach* either

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either in *publick* or in *private*, in *Churches* or in *Conventicles*; and yet I am sure they can name none, that do not, or may not pretend (and as truly perhaps, as any of those Mr. Baxter pleads for) to an obligation of *Conscience* for their *Nonconformity*, and for their *preaching* in *Conventicles* likewise, as well as any of Mr. Baxter's 2000.

The Popish Priests have the same Plea as Mr. B's Nonconforming Ministers,

Nay, may not the *Popish Priests* themselves, (whom I think Mr. Baxter will not deny to be justly prohibited to exercise their *Priestly Office* here among us, and to be justly punishable if they doe so,) may not those *Popish Priests* themselves (I say) justify their saying of *Mass*, and making of *Profelytes* by their preaching in *Conventicles*, by the self same *Reasons* that are made use of by Mr. Baxter to justify his own practice, and the practice of those he pleads for in his Book called an *Apology* for the *Nonconformist Ministry*?

For *first* he cannot deny but that *schismatical* as well as *Popish Dissenters* or *Nonconformists*, are forbidden by the same Authority to exercise their *Ministry* both publickly and privately: so that the *Popish Priests* may truly say to the *Dissenting Ministers*, *Hic sumus ergo pares*, upon this occasion our case is much alike; we are no more transgressors of the *Laws* than you are.

Secondly, if doing what they doe out of *Conscience*, or because they are obliged in *Conscience* to doe so, be a sufficient *Plea* to justify the *Dissenting Ministers* in transgressing of the *Law*, why should it not justify the *Popish Priests* for transgressing of it also? For that they doe what they doe out of *Conscience*, or because they think themselves bound in *Conscience* to doe so, cannot be denied, at least there

there can be no proof to the contrary; and they think the World is bound to believe it of them, rather than of the other, because their *Penalty* for transgressing of the Law is much greater.

Thirdly, besides this general Reason of being obliged in *Conscience*, which the *Popish Priests* as well as the *Dissenting Ministers* may alledge for transgressing of the Law, whereby both of them are forbidden to exercise their respective *Functions*, there is none of those Four particular *Reasons* which Mr. Baxter insists on in the aforesaid Book of his, to justify himself and those of his *Nonconforming Brethren* for *preaching* as they do, though the Law have forbidden them to do so, but the *Popish Priests* may pretend to also for their justification in the Execution of their *Priestly Office* in *Conventicles* of their own persuasion, or for the gaining of *Profelytes* to their own Religion. And that upon Mr. B's own Reasons.

I. As first, for example, may not a *Romish Priest* say, and say it truly, as Mr. Baxter doth, Vid. Apology for the Nonconformist Ministry, p. 14. That he holds the sacred Office of the Ministry or Priesthood consisteth in an obligation to do the work, and an Authority to warrant him therein, and that both these are essential to the Office? as likewise, That Kings and other Magistrates are not by Ordination to give this Office, nor by Degradation to take it away? But what then? May not the King forbid a *Popish Priest* to exercise his Priestly Function here in England, and punish him if he do, though he cannot degrade him, or make him to be no Priest? ibid. p. 15. And if this may be done to a *Popish Priest* without degrading him, why may it not be done by the same Authority to a dissenting or *Nonconforming Minister*? As from the Obligation of holy Orders.

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Minister without *degrading* him also? Yea, and without taking away any thing that is essential to his Office? For it is not the *obligation to doe*, but *to be qualified and willing to doe the work of a Minister*, that is essential to his Office: neither doth his *Ordination* give him *Authority* to doe the work of a Minister any otherwise, or any longer than he doeth it as it ought to be done. So that this *Argument* drawn from the *Obligation* of a Minister to doe the work of a Minister after he is *ordained*, if it prove any thing, it proves either more or less than Mr. Baxter would have it, namely, that either *Papist Priests* may and ought to exercise their Priestly Office here in *England*, though by Law they are forbidden: or else, that the *Nonconforming Ministers* may not, nor ought not to exercise their Ministerial Office, being forbidden to doe so by the same Authority, and especially for the same Reasons also; namely for being *Disturbers* of the publick Peace, and holding such *Principles* as are destructive to *Monarchy*, the one teaching the Division of the *Sovereignty* betwixt the King and another Foreign Prince, that is, betwixt the *King* and the *Pope*; and the other reaching the Division of the *Sovereignty* betwixt the *King* and the *Parliament*, that is, betwixt the *King* and his *Subjects*.

From their
being consecrated to
God's service.

II. Neither is Mr. Baxter's second Argument for the *Nonconforming Ministers* being obliged to exercise their *Ministry*, though they are by Law forbidden to doe it, so peculiar to them, but that if it had any force in it, any man that hath been *ordained*, and thereby been *consecrated* and devoted to the *Ministerial Function* may lay claim to it, and make

make use of it, though he have done or may doe never so much hurt by the exercise of it: *because he will be guilty of Sacrilege* (saith Mr. Baxter) *if he do not, and of the highest degree of Sacrilege that can be, it being much more sacrilegious* (saith he) *to alienate consecrated Persons than consecrated Things from the Service of God.* And for proof thereof he tells us, *That our Canons enquire after all such as alienate themselves from the Ministry to which they were ordained, and turn to other Callings; adding, We dislike not that Canon, but we wish our observance of it might be thought but a pardonable fault.* As if this Canon which forbids men to quit their *Ministerial Calling*, and to betake themselves to any other *Lay Profession*, did oblige all those that are *Ministers*, or have been *ordained to be Ministers*, to continue in the exercise of their Ministerial Function, though by lawfull Authority, and for never so just cause they are forbidden to doe so: because forsooth he will be guilty of *Sacrilege* if he do not: so that he that is once *ordained*, and thereby *consecrated* to serve God in the *Ministry*, though he be never so *heretical*, or *schismatical*, or *fanatical* in point of *Opinion*; or never so *factionous*, or *seditions*, or *rebellious*, or *lewd*, or *debauched* in point of *Practice*, he must not be forbidden to doe the work he was *ordained* to doe: or if he be forbidden, he must not forbear to doe it notwithstanding, *because it will be the highest degree of Sacrilege, except Apostasie it self, if he do.* So that this Argument proves nothing neither, or as much for the *worst*, as it doth for the *best* that ever were *ordained*. ibid. p. 23.

III. The like may be said of Mr. Baxter's third

A 2

Argu-

*From scriptu-
ral Authority.* Argument also, which is a deduction from several
 Texts of *Scripture* obliging those that have taken up-
 on them the *Ministry* of the Gospel, to be *diligent*,
 and *faithfull*, and *constant* in the *preaching* of it. All
 which places must be understood with this excepti-
 on, unless they be lawfully, and by their lawfull
 Superiours *forbidden* to doe it. Otherwise there
 will a *Floodgate* be opened for the bringing in all
 manner of *Heresies* and *Schisms* into the *Church*;
 and of *Faction*, and *Sedition*, and *Rebellion* into the
State, as we have found by our own experience it
 hath done lately into our own Church and State;
 and will doe so again, if such Arguments as these
 can prevail with us to repeal our *Laws*, and to grant
 a *Licence*, or rather a licentiousness of *Preaching*, to
 Men so principled and so affected, as Mr. *Baxter*
 himself, and those he pleads for have shewed them-
 selves to be; and will not yet give us any security,
 that they will not *preach* and doe hereafter, as they
 have done formerly.

*From the
 guilt of mur-
 dering souls
 if they do not
 preach.
 Pag. 45.
 Plea for Non-
 con's Mini-
 stry.*

IV. But his *fourth* main Reason (as he calls it,
 why those he pleads for must *preach*, though they
 be *forbidden*) is a *main* one indeed (if it were a true
 one,) namely, *That they should sin against the Law of*
Nature it self, nay even the great radical Law of Na-
ture, so far as to be guilty of the murdering of mens
Souls, if they did not preach though they be forbid-
den; by what Authority or for what cause soever:
for so he must mean, or else he saith nothing to the
purpose, and if he means so, he condemns the King
and Parliament for forbidding so many hundreds or
thousands (as Mr. Baxter saith are silenced, because
they will not conform,) and consequently for doing
 what

what they can to make so many *hundreds* and *thousands* to sin against the *radical Law of Nature*, and to be guilty of *murdering* God knows how many Mens Souls.

But *Kings* and *Parliaments*, Mr. Baxter may say, are but Men, and Men that may err in commanding what God hath forbidden, and in forbidding what God hath commanded, as they do (saith he) in this particular, and are not therefore to be obeyed: as the *Apostles* did not and professed they would not obey the *Higb Priest* and the *Sanhedrim*, when they did forbid them to *preach* any more in the name of *Christ*; the like, saith he, the *Primitive* and *Orthodox Christians* did, though the *Pagan* and *Arian* Emperours forbad them to doe so.

But is there the same Reason, Mr. Baxter, or the same necessity for your *preaching* now (supposing you would preach nothing but what you should preach) as there was for their preaching then; when *Paganism* had taken and kept possession of the World for 4000 years together, and *Christianity* was to be planted instead of it, when the *Harvest* was so very great, and the *Labourers* so very few? Whereas *Christianity* and *Orthodox Christianity* (as you your self witness) is (thanks be to God for it) already planted here; and though every *Parish* be not so well provided for, either with *maintenance* for a Minister, or with so able a Minister as I wish they were, and hope they will be without need of your assistance; yet there is none, or very few, if any, but such as can read *divine Service*, wherein are all *David's Psalms* read once a month, and all the rest of the *Holy Scripture* once a year, and the *Creed* and the *Decalogue* twice or

No such necessity of preaching now, as in the primitive times.

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thrice a week, besides the teaching of the *Church-Catechism*, wherein is the Churches own Exposition of the *Creed*, the *Decalogue*, the *Lords-Prayer*, and of the Nature, Use and Ends of both the *Sacraments*, together with how we are to be prepared for the receiving of them, and the benefits we are to receive with them and by them. And I demand of Mr. *Baxter*, whether this, (if there were no more than this) be not enough, by God's blessing upon it, for the conversion and saving of Souls? But over and besides all this, there are, or may be, without their help, as good *Sermons*, as any they can make, read or preached, every *Sunday*, even by those that cannot make *Sermons* themselves; and *Sermons* upon such Subjects, or Heads, or Common places, as are most *fundamental*, and most necessary and profitable for the People to be instructed in, both for their *belief* and *practtice*, in order to the making of them good *Men*, good *Christians*, good *Subjects*, and every way such as they ought to be in all their Relations; and that in so plain, so perspicuous, and so familiar a way of Expression, as that none that have any degree of common understanding, but may understand them; and if it be not their own fault, be edified by them. And all this without any danger of being led into any *doctrinal* or *practical* Errour, without being in danger of being made *Hereticks*, or *Schismaticks*, or *Rebels*, by hearing of them. This being the peculiar excellency of those *Sermons*, I mean the *Homilies*, above all other *Sermons*, that all men may be edified and made better, and no man can be corrupted or made worse by them; for they are all of them *clean corn*, without any mixture either of

The Homilies of the Church recommended for excellent Sermons.

tares

tares, or of chaff, either of noxious and hurtfull, or of vain and unprofitable Ingredients with it; which no man can be sure of from any other *Sermons* but these, or such as these are onely; which can have nothing of the *frailty*, nor the *folly*, or the *malice* of him that delivers them in them: which all other *Sermons* of every Man's own Composition have, or may have in a greater or less degree, and none had in a greater, than those that were preached in the late times by them, whose preaching again Mr. Baxter doth so earnestly plead for.

But the reading of a *Homily*, will Mr. Baxter say, is not *preaching*, or if it may be called *preaching*, it is such kind of preaching as hath no *Life* nor *Efficacy* in it to work upon Mens Minds and Affections that hear it: Not so much perhaps, Mr. Baxter, as if it were delivered *vivâ voce*, by word of Mouth, by him that was the Composer of it: but to say it hath not, nor cannot have any *efficacy* at all, is *duræ sermo*, a very hard saying; and such as doth not consist with their own practice; I mean their *Repetitions*, which they seem to think to be as necessary after a *Sermon*, as *contrasting* or *bestowing* before *Marriage*. And do they think those *Repetitions* of other mens *Sermons* to be of no *Efficacy* to make them that hear them the better for them? If they do think so, why do they place so much of Religion in the use of them? If they do not, let them for shame grant as much efficacy to the repetition of the *Church Sermons*, (I mean the *Homilies*) or if not to the repetition of them, yet at least to the repetition of the *Prophets Sermons* in the *Old Testament*, and of *Christ* and his *Apostles* in the *New*, as they do to the repetition of those *Sermons* that are preached.

The efficacy of those Homilies maintained.

An Argument drawn from their own repetitions of Sermons.

Mr. B's mur-
der of
Souls, a
phantasm.

preached by themselves; which though they may think to be better than our *Homilies*, yet I hope they will not prefer them before, or compare them with *Christ's Sermon on the Mount*, or with those Sermons of the *Prophets* and *Apostles*, which were dictated by the *Holy Ghost*, and are daily read or repeated in all and every one of our Churches, how meanly soever they are provided for otherwise. So that I do not see how so many *thousand Souls*, as Mr. Baxter speaks of, must needs be starved for want of spiritual food, if the 1000 *silenced Ministers* that he pleads for be not restored to the liberty of *Preaching*; and much less, how any of those that are *silenced*, should be guilty of *Murder* for not preaching, though there were much more need of preaching than there is; for it is not for want of more *Labourers*, but for want of more *maintenance* for our *Labourers*, that our *Churches* are not so well supplied with *Preachers* as they might be, without taking in of those that are shut out: or if our *Churches* are too few, or our *Parishes* too great, either of those inconveniences might easily be remedied, by building more *Churches*, and dividing those *Parishes*; and so might the maintenance of the *Orthodox* and *Conformable Ministry* be likewise, if the *Parliament* would give but as much to *indigent Churches* as it did to *indigent Officers*; and then if they were not supplied by able, and industrious, and unblameable *Incumbents*, let us, that are the *Bishops*, be blamed for it.

C H A P. IX.

Whatever need there may be of preaching, both Popish Priests and Nonconformists ought to be restrained from preaching.

BUT why in the mean time, untill that can be effected, should we not make use of their assistance, which they offer us for nothing? For as *for maintenance* (saith Mr. Baxter) *we expect not any.* The assistance of Nonconformists offered gratis. Apol. p. 16. Speak for your self, Mr. Baxter. I remember the time when an eminent Man of your Party, that is, for the *Parliament* against the *King*, had more than twice as many *Spiritual Cures* at once, and some of them of greater value, than any *conformable* man hath or can have by Law: and his *Apology* for it in Print was, that he had but one *Living* of his own, and the rest he did but keep, untill good and godly *Pastours* could be provided for them; but he kept the *Profits* of them also, though he was not *resident* upon any one of them, no not so much as upon that which was his own, being an *Intruder* into the *Headship* of a *College*. I remember too when the *Churches* in divers great *Towns*, which had a great number of *Souls*, and but little maintenance belonging to them, were wholly neglected, and the neighbouring little *Villages*, where the *Cures* were small but the *Tithes* were great, were seized on by the *Grandeers* of the *Faction*; which was an evident proof that they valued the *Fleece* more than the *Flock*; and that they would not then, as Mr. Baxter saith they will now, serve God for nought. But would

Why not to be
accepted.

would not the *Papists* doe so also? Yes, perhaps they would, will Mr. *Baxter* say, but it would be in order to the *destroying* and not the *edifying* of the *Church*: and have we not reason to fear that their offering to preach *gratis* is with such a meaning and Intention also? We are sure they have done so, and we are not nor cannot be sure they will not doe so again, as long as they continue at that distance, as they do, from us.

The Popish
Priests under
a greater ob-
ligation of
preaching.

In the mean time the *Popish Priests* being so persuaded, as they are, namely, that all *Protestants* are in a *State of damnation*, have a more rational pretence for the necessity of their *preaching* to us than our *silenced Ministers* have, or can have, even upon this account, that unless they doe what they can to make us *Roman Catholicks*, they are guilty of our perishing everlastingly. But I hope our *silenced Ministers* do not think us in such a *State of Damnation*, as we cannot be delivered out of, but by their *preaching*, as the *Popish Priests* may and do think us to be.

Neither of
them to be
permitted;

But whatsoever either of them may think of the need we have of their *preaching*, and consequently of their own *obligation* to preach, though they be forbidden; we that do believe they would doe more hurt than good by their *preaching*, do believe likewise that we are obliged in Conscience to restrain them from *preaching*, though there were a greater want of Preachers and *preaching* than there is among us. For sure there was never more need of *preaching*, and scarcity of Preachers, than when the *Gospel* began first to be planted, when the *Harvest* was so great, and the *Labourers* so few, that *Christ* bad them pray the *Lord of the Harvest* to send more

According to
Christ's own
Caveat,

more labourers into his Harvest ; and yet even then *Christ* would not have all to be hearkned unto that took upon them to preach, but bad his Disciples beware of them and of their Doctrine, though they came *in Sheep's cloathing*, (that is) though they made a shew of nothing but harmlesness, and meekness, and simplicity, because they might be *ravening Wolves* for all that. And not long after that, when there was still need of a great many more labourers than there were, to carry on the great work of the conversion of the *Gentiles* ; yet even then *St. Paul* commands *Titus* ἐπιτομίζω, to *silence* some of the διδασκῶντες, of those that were *Preachers* : and why ? because they were ἀνυπότακτοι, *unruly*, such as would not be governed, or be brought under any rule or order, but did ὅλας οἰκας ἀναστρέφω, *subvert whole houses*. And if such *Preachers* as did but *subvert whole houses* were to be *silenced* or not suffered to preach then, when there was so much more need of *Preachers* and of preaching than there is now, how much more *reasonable* and *necessary* is it for us to *silence* those whose Principles tend to the subverting of *whole Kingdoms* ? especially when we have more *Preachers* of our own than we can tell how to provide for.

Again, as in the first *plantation* of the *Church*, when there was incomparably most need of *Preachers*, the *Apostles* would not suffer such as were ungovernable or *unruly* themselves, especially if they taught others to be so also ; so in the beginning of the *Reformation* of our Church from *Papish Idolatry*, Superstition and Corruption both in Doctrine and Practice, though there was a very great want of able and orthodox *Preachers*, not

Themselves
serv'd the
Church of
England-
men so.

only in *Edward* the sixth's time, but in *Queen Elizabeth's* time also, for divers years together; yet none of the *Popish Priests* were suffered to continue in their stations, but very many *Cures* were supplied with men of very mean abilities, till they could be better provided for, rather than hazard a relapse into *Popery* by employing any that were *Popishly* affected in the work of the Ministry. And Mr. *Baxter* may remember when we of the *Church of England* as it was established by Law, were *deprived* and *silenced* for no other reason, but because we could not in Conscience conform to the *illegal Government* that was by an *usurped power* set up in the *Church and State*. I know there were other pretences against some; as *disability*, *immorality* and *scandal*: but the main reason why we were generally turn'd out of our Free-holds, and forbidden to exercise our *Ministerial function* was our *Non-conformity* to the then present Government in the *State*, and to the then present way of serving God in the *Church*, though both of them were illegal, and though there was then as much or more need of their being assisted by us, than there is now of our being assisted by them.

C H A P. X.

According to Mr. Baxter's own opinion, the Ministers he pleads for, ought to be silenced. The Act against Conventicles, why made; and what is meant by Seditious Conventicles and Preachers. Mr. Baxter, by his own confession, an encourager of the late Rebellion.

BUT supposing the want of Preachers and of Preaching to be much greater than it is, may there not be a just cause to keep some from preaching and that without Sacrilege or robbing of God, though they have been consecrated to God by Ordination; if afterwards they prove such as are much more likely to doe harm than good by their preaching? And such are not onely those that are utterly unable to teach, or are notoriously scandalous in their lives and conversations; but such as are heretical or schismatical in their opinions, such as are ἀνωπύκτοι unruly and ungovernable, and apt to stir up strife and Sedition, either in Church or State. Certainly such men as these ought to be silenced and punished too, if they will not forbear preaching, what need soever they may pretend there is for it; otherwise St. Paul would not have given so strict a charge for the silencing of such as he did to Titus. And truly that there are some such as ought to be silenced notwithstanding their consecration to God, Mr. Baxter himself cannot deny. For whom else doth he mean by those he calls intolerabiles* that is, such as are not to be

What Preachers to be silenced by Mr. B's own sentence.

* Vid. True and onely way to concord, part 3.

Third part of
True and one-
ly way of
conc. p. 121.
& 122.

but those who were never ordained? or none but those that are *heretical* in their *opinions*, or *debauch* in their *manners*, or *insufficient* for the discharge of their *duties*? No; he confesseth that in the general all or any whose preaching is likely to doe more hurt than good, and particularly such as are against Princes safety and honour, or whose Principles tend to overthrow the honour and safety of Governours, and to kindle the fire of contention and enmity; or such as draw their hearers Souls into any damnable error or sin; or that perswade men against any precept of the Decalogue, and consequently against any of the precepts of the second Table, as well as of the first; all such as these, saith Mr. Baxter, are to be restrained from preaching; For, *far be it* (saith Mr. Baxter) *from any sober man to think that the Magistrate must let all men doe the evil that they will but pretend to God and Conscience for.* Which one saying of his makes all that he said before to justify the preaching of his Nonconformists to signifie nothing, if they be silenced or forbidden to preach for any of the aforesaid causes by him specified and acknowledged to be such, as Preachers ought to be silenced for, notwithstanding any pretence of conscience to the contrary.

The Ministers
Mr. B. pleads
for, are such
as, he confesseth,
ought to
be silenced.

So this being agreed on betwixt us; the next thing in question betwixt us is, whether those that are silenced are such as Mr. Baxter confesseth ought to be silenced or no; for if they be, he confesseth likewise, that no pretence of conscience can warrant their preaching, and much less oblige them to preach. For the deciding of this question therefore, whether those that are silenced are justly silenced or no; there remains one, and

and but one question more, and that is who shall judge and finally determine whether they that are silenced, be or be not such, as ought to be silenced, or restrained from preaching. Surely they themselves must not be their own judges: but who must then? why, *who but the Magistrate?* (saith Mr. Baxter) *who in Church cases and religion hath the onely publick judgment whom he shall countenance, maintain, or tolerate, or whom he shall punish or not tolerate nor maintain; but with this caution, so he be not the executioner of the Clergy's sentence without or against his own conscience and judgment.* Where by the *Magistrate*, I hope he means the *supreme Magistrate*; and by his *judgment*, he means his judgment according to *Law*: For the *Law* and nothing but the *Law*, is the declaration of the *supreme Magistrate's publick judgment*, in giving whereof he neither is nor can be the executioner of any other man's sentence; but all *subordinate Magistrates* (whether *Civil* or *Ecclesiastical*) are the *executioners* of the *supreme Magistrate's judgment* or sentence, and are no farther binding or to be obeyed than they are so.

Now that the *supreme Magistrate* with the advice and consent of his *great Council* hath given his judgment not onely who are, and who are not to be tolerated to preach in publick or in Churches, appears by the *Act of Uniformity*; as likewise that he hath given his judgment also, that those who are not to be tolerated to preach in publick or in Churches, are not to be tolerated to preach in private, nor in Conventicles neither, appears by those other *Acts of Parliament*, whereby such preaching is forbidden, and such penalties as are therein specified are to be inflicted.

With the rea-
sons of such
restraint.

flicted upon the transgressours of them. Lastly, as those *Acts of Parliament* are undeniable evidences who are, and who are not to be tolerated to *preach* either *publickly* or *privately*, according to the publick judgment of the *State*; so the reasons why such *preaching* and such *Preachers* are prohibited are declared in the *Titles* and *Prefaces* of the afore-said *Acts*: for example, the Title to one of those Acts, namely that of *decimo tertio* of our present King, is this, *An Act for the safety and preservation of his Majesty's person and Government against treasonable and seditious practises and attempts*: and in the Preface to the said Act it is said, that the *Lords and Commons assembled in that Parliament* deeply weighing and considering the miseries and calamities of well nigh 20 years before his Majesty's happy return, and withall reflecting upon the causes and occasions of so great and deplorable confusions, the growth and increase of which (they say) did in a very great measure proceed from a multitude of seditious Sermons, Pamphlets and Speeches published with a transcendent boldness, from which kind of distemper (say they) as the present age is not wholly free, so posterity may be apt to relapse into them if a timely remedy be not provided; Therefore (say they) We the Lords and Commons having duly considered the Premises, do most humbly beseech your Majesty that it may be enacted, &c.

A descent up-
on those rea-
sons.

By which Title and preface it plainly appears, that the *Lords and Commons* did believe, that neither the safety of the King's person, nor of the Government could be secured, if such kind of *Preaching* and *Preachers* as had in the late times been the stirrers up of the People to rebellion were not restrained

restrained from preaching for the future, unless they would give some such security as the *Parliament* should think fit to require, which was their renouncing the *Covenant* and their subscription to the *Act of Uniformity* which was enacted by the *King*, by the advice and with the consent of the *Lords* and *Commons*, the year following. And it was for their not conforming to this *Act of Uniformity*, that is, for their not giving that security which the *Law* required, that they would not preach *schismatically* and *factiously* and *seditionously*, as they had done formerly, for which they were some of them deprived, and all of them disabled to preach publicly in Churches, and consecrated places.

The security, which the Law requires from Preachers.

But this *Act* not proving effectual enough to prevent the danger, for preventing whereof it was enacted, because those that were forbid to preach publicly and in Churches, did preach the same doctrines in *Conventicles* and in corners, confirming their old, and making more and more new *Prose-lytes*, and being more and more followed because they were forbidden to preach in publick; Therefore two years after this, there was another *Act* made by the same Authority, the *Title* whereof is, *An Act to prevent and suppress seditious Conventicles*: and the *Preface* or *Preamble* thereof is, *That for the providing of farther and more speedy remedies against the growing and dangerous practices of seditious Sectaries and other disloyal Persons, who under pretence of tender Consciences do at their meetings contrive Insurrections, as late experience hath shewed. Be it enacted, &c.* And then tells us first, what shall be taken for a *seditionous Conventicle*, namely, any meeting or Assembly in any place under

The ground of the Act against Conventicles.

What are seditious Conventicles.

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under colour or pretence of any exercise of Religion in other manner than is allowed by the *Liturgy* or practice of the *Church of England*, where there shall be *five Persons* or more over and above those of the same house. *Secondly*, What are to be the *Penalties* for the first, second and third Offence; and *lastly*, who are to be the Executioners and Inflicters of these Penalties. Where you see that it is the Highest secular Magistrate (*whom Mr. Baxter will have to be judge in Church cases, and of whom he is to tolerate and countenance, and whom he is not to tolerate but to punish*) it is he, I say, who by and with the advice and consent of his great Council of *Lords* and *Commons* hath judged all such aforesaid Assemblies to be *seditious Conventicles*, and consequently all the *Preachers* in them to be *seditious Preachers*; and I hope Mr. B. will not deny, because he hath granted it already, that all *seditious Preachers* are to be *restrained*; and if they are to be restrained, and restrained by those that are the proper *Judges* whether they ought to be restrained or no: certainly there can be no reason to *excuse*, and much less to *justify* the preaching of those that are so restrained after they are restrained, and during such their restraint; and therefore all those reasons alledged by Mr. Baxter in the aforesaid Book of his called *An Apology for the Nonconformist Ministers*, are to no purpose as to the proving of that which they are alledged to prove, namely the obligation of those *silenced Ministers* to preach in *Conventicles*, whom he pleads for though they be silenced; and silenced by those whom he confesseth to have authority to silence them, and whom he confesseth likewise to be the proper judges whether they are to be silenced or no;

Who seditious
Preachers.

Mr. B's Apo-
logy for them
falls to
ground.

no; and though that for which they are forbidden to preach in *Conventicles* is because such meetings and such preachings are *sedition* and dangerous as to the safety of the King's Person, as well as of his Government; which Mr. Baxter confesseth (in a place before quoted) to be one cause why men may be justly restrained from preaching; and how they that are *justly restrained from preaching* can be *obliged to preach*, Mr. Baxter is to prove when and how he can.

In the mean time, all that I can imagine Master Baxter hath to say is, that though they preach in *Conventicles*, yet they do not preach *Sedition*, of any thing that may disaffect their Hearers either to the King or to the Government. But what if they that sit at the helm, and whose office and duty it is to take care *ne quid detrimenti Respublice capiat*, That the Commonwealth get no harm or come to no damage, do believe, and have reason to believe, that you do and will preach that in private now, which they know you have preached openly and often heretofore, and have no reason to think, but that you are the same men still that you have been always, even since the very beginning of the *Reformation*; that is, such as have been always and ever will be undermining the *established Government* of the Church and State: may they not, I say, that sit at the Helm, in order to the securing of the publick peace of the Kingdom and safety of the King, may they not in point of *justice*, nay ought they not in point of *prudence* and *conscience* too, upon the aforesaid consideration to forbid such meetings?

Cc

And

The very Conventicles, whatever people doe there, are seditions.

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And if they may and ought to forbid them, the very *Meetings* themselves after they are forbidden are *sedition*, *whatsoever* they say or doe when they are met; because by the Eye of the Law they are looked upon as meeting to doe that, for the doing whereof the Law forbids them to meet.

One main
reason of for-
bidding them,
to prevent
the murthe-
ring of Souls.

And whereas one of Mr. Baxter's chief reasons why they were obliged in conscience to preach though they are forbidden it, because they shall be guilty of the *murthering of Souls* if they do not; (the murthering of such Souls he means as might have been saved by their preaching, and do perish for want of it.) one of the main reasons why the King by advice of his great Council hath forbidden them to preach, is to prevent the *murthering of Souls and Bodies* too by their preaching. I mean the Souls and Bodies of such as are by them and their preaching disaffected to the Government both in Church or State, and made ready and resolute to undermine and overturn both; whenever there shall be an opportunity of so doing, which they would never have thought of, if it had not been for such *Preachers and such preaching*.

* Holy Com.
Wealth,
p. 486.
Thin Mr. B.
charged par-
ticularly
with, upon
his own con-
fession.

Mr. Baxter confesseth he encouraged many thou-
sands to engage in the late War, which if it were
a Rebellion (as no doubt it was, though perhaps he
did not think it to be so) was to engage them *Bod-
ies and Souls*; whether they killed or were killed,
in a damnable action. And who can tell whether
he and those that are principled as he is, may not
even now be encouraging many thousands more to
doe

doe as they did then, when the like opportunity shall invite them to it; the rather, because Master Baxter himself hath told us, that as yet he would see that he was mistaken in the main cause, he would not repent of it, nor forbear to doe the same, if it were to doe again in the same state of things: that is, if there were, or if there should be such a War betwixt the King and the two Houses of Parliament as there was then, he would encourage as many thousands as he did then to engage against the King. And hath not the King, having such fair warning given him, good reason to prevent the making of *Parties* by men that are thus minded; and that not for his own sake onely, nor onely for their sakes, that may be endangered in their bodies and their goods for adhering to him, but even for their sakes also, who may by such *Preachers* and *preaching* be persuaded and encouraged to *rebell* against him, and consequently not onely to a hazard of the loss of their *lives*, but to a certainty of the loss of their *Souls* without repentance, which is hardly to be hoped for those that dye in an *Act of sin*, especially so great as that of *Rebellion*: And therefore for this reason onely, if there were no other, those that are *silenced*, ought not to *preach* for fear of *murthering of Souls* by their preaching: which is all I have to say to this particular, and which if it be not enough, I hope one or other of those my reverend Brethren, the *Bishops*, to whom Mr. Baxter addresseth his *Plea* for the liberty of the *Nonconformists* to preach notwithstanding their being silenced by Act of Parliament, will more fully and more at large examine and confute that *Treatise* of

And if they may and ought to forbid them, the very *Meetings* themselves after they are forbidden are *seditions* whatsoever they say or doe when they are met; because by the Eye of the Law they are looked upon as meeting to doe that, for the doing whereof the Law forbids them to meet.

One main reason of forbidding them, to prevent the murdering of Souls.

And whereas one of Mr. *Baxter's* chief reasons why they were obliged in conscience to preach though they are forbidden it, because they shall be guilty of the murdering of Souls if they do not; (the murdering of such Souls he means as might have been saved by their preaching, and do perish for want of it) one of the main reasons why the King by advice of his great Council hath forbidden them to preach, is to prevent the murdering of Souls and Bodies too by their preaching, I mean the Souls and Bodies of such as are by them and their preaching disaffected to the Government both in Church or State, and made ready and resolute to undermine and overturn both; whensoever there shall be an opportunity of so doing, which they would never have thought of, if it had not been for such *Preachers* and such preaching.

* Holy Com. Wealth, p. 486. This Mr. B. charged particularly with, upon his own confession.

Mr. *Baxter* confesseth he encouraged many thousands to engage in the late War * which if it were a Rebellion (as no doubt it was, though perhaps he did not think it to be so) was to engage them Bodies and Souls; whether they kill'd or were kill'd, in a damnable action. And who can tell whether he and those that are principled as he is, may not even now be encouraging many thousands more to doe

doe as they did then, when the like opportunity
 shall invite them to it: the rather, because Master
 Baxter himself hath told us, that as yet he *cannot* Ibidem.
 see that he was mistaken in the main cause, how far
 to repent of it, nor forbear to doe the same if it were
 to doe again in the same state of things: that is, if
 there were, or if there should be such a War betwixt
 the King and the two Houses of Parliament
 as there was then, he would encourage as many
 thousands as he did then to engage against the King.
 And hath not the King, having such fair warning
 given him, good reason to prevent the making
 of Parties by men that are thus minded; and that
 not for his own sake onely, nor onely for their
 sakes, that may be endangered in their bodies and
 their goods for adhering to him, but even for their
 sakes also, who may by such Preachers and pre-
 aching be perswaded and encouraged to rebell against
 him, and consequently not onely to a hazard of the
 loss of their lives, but to a certainty of the loss
 of their Souls without repentance, which is hardly
 to be hoped for those that dye in an Act of sin, espe-
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 mists to preach notwithstanding their being silen-
 ced by Act of Parliament, will more fully and
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his for this reason at least, if there were no other,
neque nullus ex ipsorum numero contradicat, omnes cum
illo consentire videantur. Lest if none of their num-
 ber should gainsay him, they may all be thought
 to comply and agree with him: and so he and
 those he pleads for will perhaps boast they
 do, if none of them say any thing to the con-
 trary.

twice the way and the two Houses of Parlia-
 as there was then, he would encourage as many
 themselves as he did him to engage against the King.
 And hath not the King having such fair warning
 given him, good reason to prevent the making
 of Parties by men that are thus minded; and this
 not for his own sake only, but only for their
 takes, some may be entertained in their Houses and
 other ways of advancing them, but even for their
 takes also, who may by their Treachery and ex-
 posing be perished and encouraged towards winning
 him, and consequently not only to a hazard of the
 loss of their Lives, but a certainty of the loss
 of the Crown, which is the highest hazard
 to be hoped for those that dye in an act of Treachery
 to the King, than that of Adversity. And therefore
 for this reason only, if there were no other, that
 that one way or another, he would be
 what he is, and what he is, he would be
 I have to the King's service, and I have
 not easily, I hope one day to be able to
 your Brother in the Kingdom, and I have
 to the King's service, and I have

CHAP.

CHAP. XI.

Mr. B's Reflexion upon the Bishop, concerning Master Jones his being put out of the Duke's service, taken to task, and sent to Elymas the Sorcerer. One thing true in it, that the Protestant Religion may be preserved better without the Nonconformists than with them.

AND now I am come at last to the consideration of the last of those *injurious Reflexions*, which in the beginning of this Book I observed to have been made upon me by Mr. Baxter, and for the confutation of which I principally intended all that I have written; though many other things (which I thought not of at first) occasionally falling in, have made that which I meant should be but a small *Treat* to swell into a large *Volume*; but now I am in, and have gone so far, I must go through with it.

The *Reflexion* therefore which I am now to speak of, is in Mr. Baxter's Answer to Dr. Stillingfleet's Sermon towards the end of it; the words are these: *I must say, that when some Prelates made it their great business to silence, shame and ruine us, and drive us far enough from persons of power, undertaking to preserve the Protestant Religion better without us than with us, and after all cry out themselves that we are in danger of Popery, by their own Pupils and Disciples whose instruction they undertook, men will*
have

The words of
the Reflexion.

The Bishop of Winton's Vindication

have leave to think of this awake, and to judge of Causes by Effects.

IX 9 A H O

*The Bishop
not peculiarly
concern'd in
the former
part of those
words.*

These, I say, are the words of that Reflexion, which I complain of as *intentionally* aimed at me (though *obliquely* and by circumlocution only) especially in the latter part of it. For as for the former part of that saying of his, where he speaks of some Prelates that made it their great business to silence, shame and ruine them, that is, him and the rest of the Dissenters, though I doubt not but he means me for one of those Prelates, and one of the chief of them, because he tells me and the Bishop of Ely in plain terms, that we *type of all the* know have effectually helped to bring them under; yet I do not take my self to be peculiarly concern'd in this whether it be truly or falsely averr'd by him; and therefore though I could tell him and tell him truly, and prove it too, that I never made it any of my business to shame or ruine him or any of the Dissenters, or to silence any more of them than by Law I was not onely allowed but obliged to silence; though I could say this (I say) and more too to prove that I never did any the least injury to any of them, but have shewed kindness to some that had dealt hardly with me, namely to Mr. Langley of Pembroke College, who having gotten into my Canonry of Christ's Church in Oxford never allowed me one penny out of it during above 12 years I was abroad, nor after I came home made me any recompence: yet thinking I was one would doe good for evil, he had the confidence to write to me, and to intreat me to befriend him for the renewing of

of a Lease he held of *Magdalen College*, as being their Visitor I did it for him. Though, I say, I could make proof of this, yet I will not insist upon it; that which I except against is a false and injurious reflexion upon me particularly, being contained in the words that follow, (*viz.*) *driving us* (that is him and those of his Party) *far enough from Persons of power, undertaking to preserve the Protestant Religion better without us than with us, and after cry out themselves that we are in danger of Popery by their own Pupils and Disciples whose instruction they undertook themselves, and then concludes men will have leave to think of this awake, and to judge of causes by effects.*

The latter part of them particularly aimed at the Bishop.

This, I say, is the Reflexion I complain of as false and injurious, and as being my self more particularly aimed at in it than any other of the Prelates. he before spake of. For though here as well as there, he makes use of the plural number, as if he meant what he saith of more than one, yet that which he saith of them he knew would be understood by those, by whom he would have it to be understood, to be meant of me; or if not of me onely yet of me principally and especially; because he and others perhaps of his Party had heard from Mr. JONES and others from them, that I had caused the said Mr. Jones to be put out of the Duke of York's service, having been before a Chaplain to his Royal Highnesses Family; to his Family I say, for he was never any of the four that were properly and *not* *by way of eminence*, called the Duke's Chaplains; but onely one of the two who were daily to officiate in the

Mr. Jones a Chaplain to the Duke's Family, not to his Person.

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the *Duke's Chapel* to the *Houſhold*, whether He or the *Dutcheſs* were there or no; ſo that Mr. *Jones* was not ſo great a man either in place of attendance or in grace and favour with either of their *Highneſſes*, that either his ſtay could hinder, or his remove could further any deſign that I or any man elſe might have had upon the *Duke* or *Dutcheſs*, in order to the ſeducing or perverting both or either of them in matter of *Religion*.

Mr. Jones,
the man intended by
Mr. B.

And yet this Mr. *Jones* was the man, and I verily believe the onely man, Mr. *Baxter* thought of, though he ſpeaks in the plural number here alſo, as if we the *Prelates* had driven them, that is, all or many of them, far enough from perſons of Power. Now I would fain know of Mr. *Baxter*, what one man of their Party was ever driven away by any of the *Prelates* from any perſon of Power, or was ever ſaid to be ſo, but this Mr. *Jones* onely: who was never thought to be one of their Party, whiſt he was in the *Duke's ſervice*; I am ſure he profeſs'd the contrary; and if he had not, I am ſure he could not have been admitted into the *Duke's ſervice*, as no man elſe could either into the *Duke's*, or into any other perſons of power, the Law (not made by the *Prelates*, but by the King in Parliament; I mean the *Act of Uniformity*) having made all of that Party (as long as they were of that Party) uncapable of being *Chaplains* or *Schoolmaſters* in Noblemens or in any great mens Houſes, and therefore there was no need of the *Prelates* driving them farther from perſons of power than the Law had driven them already.

Neither

Neither was it for his being one of them (though perhaps he was one of them in his heart) that Mr. Jones was put out of the Duke's service, but for behaving himself otherwise than he ought to have done in it; but how that was I forbear to say, because he is dead: onely I must say that I was neither Judge nor Witness, nor Plaintiff nor Defendant, nor any way a party in the case, no nor knew not any thing of the matter it self or of the cause of it, untill after it was done, as Dr. Killigrew, then Clerk of the Closet to the Duke, and Dr. Turner then and now one of the Duke's Chaplains, will I doubt not be ready to testify if it were *tanti*, worth the while, to call them to it. But first that it was this Mr. Jones that Mr. Baxter means for one and (as I verily believe) the onely one (though he speaks in the plural number) that was driven away from a Person of power by any of the Prelates is more than probable; because it is true (as I said before) that Mr. Jones was once in the Duke's service, and because it is true likewise that he was put out of the place he had there, and thereupon growing angry and discontented it is very likely that he applied himself to the discontented Party, and to Mr. Baxter, as one of the most eminent of that Party, and told him that it was the Bishop of Winchester that had caused him to be turn'd out of the Duke's service; for that there was a good correspondence betwixt Mr. Baxter and him after he was turn'd out of the Duke's service, appears by the great *Encomium* Mr. Baxter gives to a Book of his, which he calls *An Excellent*

The Bishop no way concerned in his being put out of the Duke's service.

Some reasons, that Mr. Jones is meant by Mr. B. for one that was driven away.

Vid. The
Premonition
to the true
and onely way
of Concord.

Historical Treatise, and saith he is sorry that Book is not more commonly bought and read; and so I believe is the Printer of it also.

And that the
Bishop of
Winton is
meant by the
Prelate who
drove him
away.

Again, as for the aforesaid reasons, Mr. *Baxter* must needs mean Mr. *Jones* for one at least (if not the onely one) that was driven away from a *Person* in power; so, *secondly*, by the *Prelate* that drove him away he must needs mean me, because speaking of the *Persons* of power from whom he was driven, he calls them the *Pupils and Disciples* of that *Prelate* or *Person* whosoever he was that drove him away from them. Now though I never had the honour to be *Tutour* to the *Duke*, yet it is true that I had undertaken the *instruction* of the *Dutchess*, even almost from her *Childhood*, and therefore she might properly enough be called my *Pupil* and my *Disciple* as long as she continued in the way which I had instructed her to walk in, which I am sure she did, with an extraordinary zeal to make others to walk in it also, as long as I continued with her. But, of this I have given the world a large and I hope a satisfactory account already. That for which I speak of it now, is onely to prove, that as Mr. *Baxter* means Mr. *Jones* by him that was driven away from the *Duke* and *Dutchess*, so he means me by him that drove him away from them.

For farther proof whereof I appeal to Mr. *Baxter* himself, and desire him to name one man more if he can, that he thinks to have been of their *Party*, that was driven away by me or any other *Prelate* from

from any *Person of power* since the King's return ; which if he cannot (as I am confident he cannot) as he must needs mean Mr. Jones, and Mr. Jones onely, by the party driven away, so he must needs mean *me* by the *Prelate* that did drive him away ; as likewise by the *Persons of power*, he must needs mean the *Duke and Dutcheſs of York*, from whom he was driven, or removed.

But neither by *me*, nor for that cause, which Mr. Baxter would have it thought to be, was Mr. Jones discharg'd from officiating in the *Duke's* Family ; for (as I said before) he was not then thought to be one of that *Party*, but professed himself to be a great zealot for the *Church of England*, as it is by Law established, and therefore his help to keep out *Popery* could not be refused upon the account of his being a *Dissenter*, if it had been so necessary and efficacious, as Mr. Baxter would have it thought to have been. And much less was that the cause of his removal, which Mr. Jones in that most false and scandalous Pamphlet of his (call'd *ELTMAS the Sorcerer*) pretends it was, namely, That he the said Jones was removed, and removed by the Bishop of *Winchester*, to the end that he might not hinder the said Bishop's design, which was the more easily to work upon the *Duke and Dutcheſs* in order to their quitting of the *Protestant Religion*, which it seems the Bishop thought he could not effect as long as so able and zealous a Champion for the *True Protestant Religion* as Mr. Jones was, was suffered to continue either in their Highnesses grace and favour, or in their Family,

The false account, which Elymas the Sorcerer gives of Mr. Jones's removal.

Mr. B. per-
haps the God-
father of that
Pamphlet.

mily, and therefore did artificially contrive the putting him out of both. And to make this to be believed was the scope and end of the writing and publishing of the aforesaid libellous Pamphlet, of which I doubt not but Mr. Baxter had the perusal before it was published, and perhaps was the God-father that gave it the name of *Elymas the Sorcerer*, thereby implying, that as *Elymas the Sorcerer* withstood Saint Paul, and sought to turn away *Sergius Paulus* the deputy Governour from the Faith which Saint Paul preached, so the Bishop of Winchester removed Mr. Jones that he might not hinder him from perverting the Duke and the Dutchess; which though Mr. Baxter doth not say in plain terms, yet he insinuates and intimates as much, when he concludes the *Reflexion* I am now speaking of with these words, *Men that are awake must have leave to judge of causes by their effects*, thereby implying that if the Pupils and Disciples were perverted, He whose Pupils and Disciples they were must needs be the Perverter of them. And then taking it for granted that the Duke and Dutchess were my Pupils and Disciples, or at least one if not both of them, he leaves it to be concluded from their change (which he takes for granted also) what is to be thought of me, who am supposed to have been their Tutor and Instructor.

*Elymas a
Comment up-
on Mr. B's
Text.*

So that I think I may without breach of Charity take Mr. Jones his Libel called *Elymas the Sorcerer* to be a Comment upon or an Explanation of Mr. Baxter's Text in this (otherwise somewhat

what obscure and oblique) *Reflexion*; and therefore what I have published in answer to that may serve to clear me from the imputation of this also.

And yet there is one thing in this *Reflexion* of Mr. Baxter's, which I will not deny to be true, so far at least as I am concern'd in it, viz. That some (I think he might have said all) of the *Prelates*, nay and all of the *Prelatical Party* also, do believe, that the *Protestant Religion* may be preserved better without them than with them. For if by the *Protestant Religion* he means the *Protestant Religion as it is by Law established here in England* (which is the *Protestant Religion* we would have to be preserved) nothing can be truer, than that we were better undertake the *preservation* of it, (even against the *Papists* themselves) without than with the *Dissenters* from us; who the more and stronger they are, the more are we weakned, rather than strengthened by them; being forced to defend our selves against them with one hand, as well as against the *Papists* with the other, and sometimes to defend our selves against them both at once. For though I doubt not but the *Papists* and *schismatical Protestants* here amongst us do mortally hate, and mean to doe what they can to destroy one another at last, yet that which both of them agree in to be done first, is the pulling down of us, in order to the setting up of themselves afterwards. And hence it is that the *Papists*, who are much the cunninger Gamesters, do make the *Settaries* to play their Game for them, by making as many divisions

The Protestant Religion, to be preserved better without the Dissenters than with them.

The Bishop of Winton's Vindication

divisions as they can amongst us, to the end, that
dum singuli pugnant universi vincantur, While we
 fight in single parties, we may all, the whole
 body of us, be beaten and worsted. And I pray
 God it prove not to be so at last.

*The condition
 of the Church
 of England
 as to Dissen-
 ters.*

In the mean time the aid and assistance, which
 Mr. Baxter thinks we of the *Church of England*
 have from the *Nonconformists* for the inabling us to
 defend our selves against the common Enemy the
Papists, puts me in mind of what the ingenious
Boccalini saith of *Spain*, that when it was weighed
 by it self, the weight, that is, the power, wealth
 and strength thereof was very considerable; but
 when they put the Kingdom of *Naples* first, and
 then the Dutchy of *Millain* into the Scale, thinking
 thereby to add much to the weightiness of the *Spa-
 nish Monarchy*, they found it to be much lighter,
 and the less considerable both in strength, power
 and wealth than it was before: And so no doubt
 the *Church of England* of it self alone would be
 more healthfull, more strong, more vigorous, and
 every way more able than it is to preserve the *Pro-
 testant Religion*, and to defend it self against *Popery*
 and all other *heretical* opposition or invasion from
 without, if there were neither *Presbyterians*, nor
Independents, nor *Baxterians*, or any other *Dissen-
 ters* from it, lurking in it; who whilst they seem
 to be zealous to keep out *Popery* do effectually
 (though not *intentionally*) make way for the bring-
 ing of it in. And therefore as a great *Statesman* in
Queen Elizabeth's time was wont to say, That
England would be the best Island in the World, if
 Scotland

Scotland and *Ireland* were drown'd in the bottom of the Sea (speaking I suppose of *Scotland* and *Ireland* as they then were, the one at enmity with us, and the other in rebellion against us, and therefore that it would be better for us, that they were not at all, than to be so near in place to us, and so far off in affection from us) so may I say of the *Church of England*, That as it is the *best*, so it would be the *happiest* of all Churches in the *Christian world*, if there were not so many *tam propè, tam procùlque nobis*, That are so near to us, and so far off from us, I mean so many among us that are not of us, who have been, and are, and will be always *thorns* in our Eyes, and *goads* in our Sides, unless they be either wholly (as the *Irish Rebels* were) suppressed by us, or of Enemies become our Friends as the *Scotch* are, by being united to us, and that not only (as the *Scots* are) by becoming Subjects to the same *King*, but Subject to the same *Laws* also.

The End of the Sixth Section.

T H E
CONCLUSION.

Wherein two possible Objections, against the whole Design of this Writing, are Answered; Mr. Baxter's Recantation examined, his professions of Loyalty censured, and his Way of Concord disapproved.

AND now having sufficiently, and (as I hope) satisfactorily, to all indifferent and impartial Readers, justified what I have truly said of Mr. BAXTER, in that Letter of mine with the *Appendices* thereunto so long ago Printed; and vindicated my self from all those *false and injurious reflections*, which in diverse passages of several of his *Books*, he hath either plainly and directly, or obscurely and obliquely made on me; which was all I intended to do; I should here make an end of giving my self or the World any more trouble, did I not foresee, that there might one or two *Objections* more *de novo* anew be made against me, which I think I ought to prevent.

Object. 1.

The former of which is, That supposing I have sufficiently proved, that Mr. *Baxter* did at the Conference at the *Savoy* assert and maintain, what I in my long ago Printed and now reprinted *Letter*, do affirm he did assert and maintain, concerning things *sinful by Accident*; yet seeing that since then, he hath in a *Treatise* purposely written upon that subject, declared himself to be otherwise minded, than I say he was at that *Conference*: I ought in Charity to have forbore upbraiding him with what he said then.

The Answer.

Whereunto I answer, that the difference betwixt me and Mr. *Baxter*, as to that particular, being whether I had falsly charged him or no with what he had said at the aforesaid *Conference* (as he in an Address to his Parishioners at *Kidderminster* pretends I had) I was necessitated in mine own defence to prove I had not charged him falsly, but that (howsoever his mind be changed since) he did then assert and maintain, what I in my Sermon at *Kidderminster* did affirm he had asserted and maintained at that *Conference*; as it was presently after that *Conference* attested in Print by the subscriptions of the now Bishops of *Ely*, and *Chester*, who were two of the three Disputants on our part, and are yet (Ood be thanked) alive to confirm and justify the truth of their *Attestation* (if need be) which hath never yet, though it was Printed above 20 years ago, been excepted against either by Mr. *Baxter* himself or by any of his *Party*, and consequently, is as good as acknowledged and confessed to be true. And if that *Attestation* of theirs be true, all that I affirm to have been asserted by Mr. *Baxter*, of things *sinful by Accident*, at that *Conference*, must
needs

needs be true also, whatsoever he hath said and published in any of his Books since to the contrary. Which I take for a sufficient answer to the former of the aforesaid objections, if any such shall be made by Mr. Baxter, or by any other in his behalf hereafter.

Now as to the latter of the aforesaid Objections, Object. 2. which I foresee may be made against me also, (and which is of much more moment than the former) namely, that it was uncharitably done of me to publish such a Collection of Mr. Baxter's Aphorisms against all Monarchies in general, and this Monarchy of ours in particular, as I did at first with that Letter of mine above 20 years since; and much more uncharitably done of me now, not only to reprint, and publish those Aphorisms again with some others of the same kind out of the same forge, but to aggravate the hainousness and dangerousness of them in relation to Kingly Government, as I have done in this Book of mine, to make him more and more odious to those that are in Power at present, as one that is not only not to be suffered to Preach, or Write, but to Live in a Monarchy; and all this, after he hath disclaimed and recanted what he writ before, and what I except against in those Aphorisms of his.

My answer therefore hereunto is,

I. That Mr. Baxter having been silenced by me The Answer. when I was Bishop of Worcester, and coming to me to know the cause of it; I told him it was, because he had Preached in my Diocese without asking my leave, or having any licence from me for it; and that now I could not give him such a Licence, partly in regard of what he had asserted and maintained

at the Conference in the *Savoy*, but principally in regard of many of those *Positions* or (as he calls them) *Aphorisms* of his in his Book of the *Holy-Commonwealth*, which were inconsistent with *Kingly Government*: and this I told him in the presence of the then Dean of *Worcester* Dr. *Warmestry*, and of Mr. *Isaack Walton*, then my Steward, which he taking no notice of in his *Narrative* of the cause why I continued his *suspension*, and would not suffer him to *Preach* any more in my *Diocese*; but making his friends at *Kidderminster* to believe it was only for what he had asserted at the Conference in the *Savoy* (whereof he made a false relation also) I thought it neither improper nor unnecessary to annex to that *Letter* of mine (which I had written in answer to that *Narrative* of his) that Collection of *Aphorisms* out of the aforelaid Book of his, that the World might be judg whether the Author of such *Maxims* as those, were fit to be a *Preacher* in such a *Kingdom* as this, or no; and this (I say) was the cause why I *Printed* them at first.

2. The reason why I have reprinted those *Aphorisms* as well as that *Letter*, with an Addition of some others to them and aggravations of them, was to justify my exceptions against them, and to shew, that I am not a *Defier* of *Deity* and *humanity*, nor an *Enemy* to *God*, to *Kings* and to all *man-kind*; (as Mr. *Baxter* would have me thought to be) because I do not think all *unlimited Governours* to be *Tyrants* because they are unlimited, or that lawful and rightful *Kings*, if they be *Tyrants* or govern tyrannically, may therefore be lawfully *resisted* or *deposed* by their *Subjects*.

3. And lastly, if I have indeavoured to shew the falleness and dangerousness of this and other of his *Aphorisms*, subservient to the same end, it is not to make him, but those *Maxims* of his odious, not unto others only that may be hurt by them, but to himself also, that he may repent of them; which if he have done, and done it as he should do, and as himself professed he would do, if he were convinced there were cause for it; I am sure he will not, he cannot be offended with the aggravating the *hainousness* and *dangerousness* of any of those *opinions* or *practises*, which he himself hates and detests more than any body else can, if he have truly repented of them; which if I should take for granted that he hath done since, yet if he had not done it before those *Aphorisms* of his, which I excepted against, were first Printed, it was neither *uncharitably*, nor *impertinently*, no, nor *unnecessarily* done of me neither, to let the World know upon what false grounds, and by what fallacious and seditious *Maxims* and *Principles* Mr. *Baxter* had undertaken to justify the late horrid *Rebellion*, and to justify himself and those *Thousands*, whom (as he confesseth) he had perswaded to do as He did (*viz.*) to *Rebell* and *Fight* against the *King*; which he was so far from having repented of, when I first Printed those *Aphorisms*, that he tells the World in Print, not above a year or two before, that he durst not repent of it, nor forbear the doing of the same, if it were to be done again, in the same state of things. Neither did the World or I hear any thing from him to the contrary till many years after; and whether what he published then, or hath published since, be a sufficient proof that He is not still of the same

same mind he was, when he published those *Aphorisms*, may well be doubted. In the mean time those *Aphorisms* of his being of so dangerous consequence to the publick, and having upon that account been the main cause why I would not suffer the *Author* of them to *Preach* in my *Dioceſe*, until he had as publickly *recanted*, as he had *asserted* them, I thought my self obliged to *publish* them, when I did publish them first, to let the World see I had reason to do what I did to Mr. *Baxter*, when I did it, how well soever he might behave himself afterwards.

And as this was the reason why I *Printed* them at first, so the reason why I have *Reprinted* them now, was partly to justify my former *exceptions* against them, and the dangerous *consequences* of them; and partly to vindicate my self from being a *Defier of Deity and humanity, and an Enemy to God, to Kings, and to all mankind* (for excepting against but one of them only) as Mr. *Baxter* saith I am; and partly likewise to show, that there is still just cause to doubt that Mr. *Baxter* may still be of the same judgment, as to the holding of the same *Seditious and Rebellious Principles*, as He did formerly, notwithstanding any thing He hath written as yet to the contrary. The two former would have been reason enough for my Reprinting of those *Aphorisms*, though it were never so certain or so evident, that Mr. *Baxter* had really and sincerely *recanted* them all. The third I add *ex abundanti*, over and above, and wish with all my heart there were no cause to doubt, but that he had really and sincerely *recanted* them all, or at least those that are most dangerous and prejudicial to the safety, peace,
and

and welfare of our own King and Kingdom; which I am afraid he hath not done, either by what he hath said in that Paper, which he would have taken for a *Recantation* of some of those *Apharisms* in his *Holy Commonwealth*, or by the professions he hath made of his *Loyalty* in the second Part of his *Plea for the Non-Conformists*.

And first, As to the Paper which he calls a *Recantation*, We are to observe the time when it was Printed, which was in the year 70, just 10 years after the *Kings* coming home. How long may we think it would have been, if the *King* had not come home at all, or if *Richard* the Son could have held by force, what *Oliver* his Father, (whom Mr. *Baxter* magnifies so much) had gotten for him by murdering of his Master? And truly if this *Recantation* had been the effect of a true and hearty *repentance*, I cannot imagine what should be the cause of its coming forth no sooner; unless he was so long before he was convinced that he had done amiss in writing what he had written, or in doing what he had done, during the time of the *Rebellion*; so that his heart indured as long a *Siege* as that of *Troy*, before it would give him leave to make any acknowledgment at all, that he had writ or done any thing to be recanted or repented: But what if the *King* should have suspended his *Pardon* as long as Mr. *Baxter* did his *Confession*? What might have become of Mr. *Baxter* in the mean time? And yet surely *Confession* and *Contrition* ought to precede forgiveness both in *foro Poli*, and in *foro Soli*, too, and as well with men as with God. And truly it would have been more for Mr. *Baxter's* own credit, and for the *Kings* and *Churches* satisfaction, if it had been

Mr. B's Recantation, as to the Time, very tardy.

been so; I mean, if he had publicly *Recanted* what he ought, and as he ought to have *Recanted*, both in point of judgment and practice, a great deal sooner than he did; as either before the Kings coming home, (which had been indeed the *times in which* the most proper and most *acceptable time*) or at least as soon as he had the first opportunity for it after the Kings coming home. And such an opportunity he had, if he could have found in his heart to have made use of it; I mean that time when the King was graciously pleased (though he knew well enough what Mr. Baxter had written and done against his Father and himself) to give him leave to *Preach* before him in the *Chappel-Royal*. Then, then (I say) was the *time*, and there the *place*, for him publicly, and humbly, and solemnly upon his Knees to have prefaced his *Sermon* or ensuing Discourse with a self-accusing, self-condemning *Exomologesis*, or Confession made in his own, and in the name of his whole *Party*; I mean the contrivers, abettors and promoters of, and actors in that most unchristian and inhumane Conspiracy and *Rebellion* against the late King, and ended it with a *quorum pars magna fui*, of which company I my self made a great part: which would have become him much better (speaking of *sins inconsistent with a true faith*) then the Harangue he made against *drunkenness*, and *swearing*, and *Atheism*, and *profaneness*, and looseness of life, without saying any thing at all against *Hypocrisie*, or *lying*, or *slandering*, or *pride*, or *malice*, or *covetousness*, or *sedition*, or *rebellion*; as if those sins were not *inconsistent* with true faith as well, or as much as the former. But *those* he knew were thought to be the sins of those of the *Kings*, and

His Sermon before the King.

and *these* of those of *his own* party; as if *our* sins and not *theirs*, and consequently *we* and not *they*, the *Kings* and not the *Parliaments* Party, had been the cause of that unnatural *War*, and consequently of all those horrible mischiefs that were done in it; together with all the dismal consequences and effects of it; and so indeed in a late Book of his, he is not afraid nor ashamed to tell us in plain terms. But this *Sermon* of his was made, it seems, before he was convinced he had sinned in encouraging so many *thousands* (as he saith he did) to the War against the King: so that the time of his *Recantation* was not yet come, though I presume he stayed not so long before he sued out his *Pardon*.

Well, but when the time was come, when he thought fit to publish that Paper which he calls a *Recantation*, (which was eight or nine years after he had Preached the afore said *Sermon* before the King) The manner of his Recantation. let us see what manner of *Recantation* it was, or whether it was such a one as can make an impartial and judicious peruser of it believe without doubting that it is so sincere, as an ingenuous and voluntary *Recantation* ought to be. For besides the *tardiness* of its coming forth, (which I noted before, and which argues some other motive besides conviction of conscience for the publishing of it) it is farther observable. *First*, That the wording of it wants that clearness and plainness, which an ingenuous *Recantation* ought to have; and, *Secondly*, That it is so clog'd and restrained and limited, and shackled as it were, with such and so many exceptions and conditions and proviso's, that *such a muddy-brain'd man as I am* cannot tell what to make of it.

Not clearly
worded.

And first as to the want of *clearness* in the wording of it, when he speaks of all he pretends to *Recant* in that paper, he doth not say *I profess my repentance*, that ever I held it, but *that ever I published it*: he might have said as well and perhaps as truly, I am sorry that Bishop Morley's collection of so many false and pernicious *Aphorisms* out of that Book hath made me *profess my repentance for the publishing of them*. Howsoever it is not his professing his repentance for the *publishing* of them can prove he repents the *holding* of them, or that he is not still of the same judgment, because though he be so it is not safe for him to profess himself to be so; every *χρόνος* is not a *καιρός*, there is a difference betwixt *times* and *seasons*: that may be safe or seasonable to be said or done, or written and published at one time, that can be neither seasonable nor safe at another. So that we cannot conclude Mr. Baxter to be of any other mind now, than he was before, from his saying that he is *sorry*, no nor from his being sorry indeed, that he had formerly declared his judgment as he did.

clog'd with
Proviso's.

Again, as the want of *clearness* and plainness in the wording of that pretended *Recantation*, may make the *sincerity*, so the clogging of it with so many *proviso's* may make the *ingenuity* thereof to be suspected, as if it had been extorted, and not voluntary. For it looks as if he that makes it were afraid he had overshot himself, and said too much, or might be thought by those of his own Party to have said too much in that little he had said before; and therefore he adds the subsequent *proviso's*, which, if what he had declared before was real and sincere, are all of them needless and impertinent, and worse than

than needless and impertinent, if he means to limit and restrain what he said before by them, as he seems to do, especially by the *first* and *last* of them. For as in the *first* of those *Proviso's* he tells us he *doth not reverse all the matter of that Book*, which he told us before he did Recant, and that *not only for some by-passages in it, but in respect of the very scope of it*: so in the *last* of those *Proviso's* he protests against the judgment of *Posterity*, (which all sincere and ingenuous Writers do usually appeal unto) as likewise against the judgment of all others *that were not of the same time and place* (he should have said of the same Party and Persuasion also) *as to the censuring either of that Book of his or the revocation of it*; as being ignorant of the true causes of them both; and then concludes, that these things provided (*wiz.*) if he may be allowed to except as much of the matter of the Book (he pretends to Recant) from being reversed, as he pleaseth, and upon condition that neither the *Book*, nor the *Recantation* of it be censured by any but by whom he pleaseth, he did vouchsafe to *publish* that Paper which he would have taken for a *Recantation*: to which aforesaid *Proviso's* I wonder he did not add one more, That he might be allowed, whensoever he saw cause for it or had need of it, to substitute one *Proposition* instead of another, a false one instead of a true one, or a true one instead of a false one, and then to infer what he pleased from it; for so as he hath done often in other places, so he hath done once in this scrap of a *Recantation* also, making me to say that there were some lawful Governors *unlimited by God*, and thence inferring that I was a *desier of Deity and Humanity*, when what I said was, that of lawful

Governors some were *unlimited by men*; but of this I have said enough before; and (as I think) I have said enough now touching the insufficiency of this *recantation*, to prove that Mr. Baxter is really and seriously otherwise minded in point of judgment than he was when he published these *Aphorisms* which I have now Reprinted.

His vain-glorious professions of Loyalty.

Neither can the contrary hereunto be concluded from any, or all of those glorious, or rather vain-glorious *professions* of **Loyalty**, he makes in behalf of himself, and of his own Party, in the fourth Chapter of the second Part of his **Non-Conformists Plea for Peace** which can signifie nothing, unless he and they do renounce those disloyal and seditious *Principles*, which in his Book of the *Holy Commonwealth* he makes use of to justify the War made by the two Houses of Parliament against the late King; as first, *That this Kingdom of England is not a Monarchy, and consequently that the Sovereignty is not wholly in the King.* Secondly, *That the Sovereignty is divided betwixt the King and the two Houses of Parliament.* Thirdly, *that the two Houses of Parliament may lawfully take Arms, and make War with the King in defence of their own part of the Sovereignty, and of the trust reposed in them by the People; and that the People may, and ought to assist them when they do so.* Fourthly, *That the People are represented in Parliament not only as Subjects, (for so he confesseth their Representatives are only to complain and supplicate for them) but as Contractors, before they were Subjects, with him that was to be their King, before he was King, "for the reservation of "such or such rights, franchises, and priviledges, "to be for ever exempted from the Kings and his.*

Some of his disloyal Principles.

"Succes-

“Successors jurisdiction; for the preservation of
 “which (if they were invaded or indeavour'd to
 “be taken away by the King or any of his Succes-
 “sors) the *Parliament*, not only as *Representatives*
 “but *Trustees* also for the People, might by force (if
 “they could not do it otherwise) *resist* and restrain
 “the King from so doing. Finally, there be many
 other cases specified by Mr. *Baxter* in that Book of
 the *Holy Commonwealth*, wherein *Kings* may (as
 he saith) be *lawfully resisted* by their *Subjects*; whence
 he concludes the War made by the *Parliament* a- He justifies the late War.
 gainst the late *King* to have been *purum piumque*
Duellum, a just and a lawful War; and consequent-
 ly, such a War, as may be made at any time hereaf-
 ter upon the same Premisses, or by vertue of the
 same Principles; and therefore he tells us in plain
 terms, not only that he *did not*, but that he *durst*
not repent of having been engaged in it himself; nor
 for having engaged so many *thousands*, (as he con-
 fesseth he did) in it; not then perhaps; but hath
 he not repented of it since? *Videtur quod non*: be- Most likely that he is of the same judgment still.
 cause not having yet renounced any of those *Prin-*
ciples or *Premises* from whence he infers the *Conclu-*
sion, he is still to be supposed to hold the conclusion
 he infers from them; nay, and that he will hold it
 still, and do as he did then upon the like occasion;
 for so he tells us himself in the place before quoted,
 where he saith that as he *durst not repent of what he*
had done in the aforesaid War; so he could not forbear
 the doing of the same (if it were to do again) in the
 same state of things. 'Tis true indeed he tells us in
 the same place, that if he were convinced he had sinned
 in what he had done, he would as willingly make a pub-
 lick Recantation, as he would eat and drink when he

is hungry or thirsty. But neither he, nor any of the *Non-Conformists*, that ever I heard of, hath as yet made any such a publick *Recantation*; and therefore we may rationally, and charitably enough too, conclude that they are still of the same *Judgment* they were then, and consequently that their *Practice* will be the same it was then, when the like opportunity invites them to it; which though I hope it will never be, yet we are not sure but it may be, and therefore ought not to be too confident and secure that no such thing will be.

Two Plots carrying on.

For mine own part, I must confess, as I always have been, so I am still of this opinion, that ever since the *Reformation*, there have been and are **two Plots** carrying on, sometimes more openly, and sometimes more secretly, the one by those that call themselves the only *true Catholics*; the other by those that call themselves the only *true Protestants*; and both of them against the Government as it is established by Law both in *Church* and *State*: And as there always hath been, so there ever will be Plotting by both these *Parties*, until both of them be utterly disabled, and suppressed; for as for making Peace with either of them, I take it, by reason of the perverseness of the one, and peevishness of the other, and the pride of both, to be a thing not to be hoped for. I am sure the way proposed by Mr. *Baxter* in his Book called *The true and only way of Concord of all Christian Churches*, will never do it; which Book of his, though (as I said in my *Preface*) I did not intend to answer, as being abundantly, and superabundantly confuted before it was written; yet because in his Address of it to the Bishop of *Ely* and me, he seems desirous to know what we think of it, in reference

Mr. B's true and only way of Concord.

rence to the end proposed by it; I will tell him plainly, and in a few words, what is my opinion of it, (*viz.*) that it is so far from being what he saith it is, **The true and only way of Concord in all Churches**, that I verily believe that if all the *Churches* in the World were actually in as perfect Peace and *Concord*, both in themselves, and with one another, as ever they were or ever can be (humanly speaking) here in this World, that which he calls *the true and only way of Concord*, (if it were or could be admitted) would in a very short time introduce such and so many unavoidable and irreconcilable *differences* and *dissentions*, both *speculative* and *practical*, as well in matter of *belief* as in manner of *worship*, that there would be no such thing to be seen as *order*, or *unity*, or *peace* in all the Churches of any one *Province* or *Kingdom*, and much less, in all the Churches of the *Christian World*. This *National Church* of ours therefore being according to the *legal establishment* thereof, of so sound, so healthful, so orderly and so well compacted a constitution as it is, and which by long experience we have found so agreeable to the established Government of the *State*, that we cannot make any alteration in the *one* without great disordering of the *other*; Let us not give ear to any of those Church and State *Mountebanks* or *Empericks*, who if we let them alone a little longer, will never leave mending, till they have marr'd all.



Mr. BAXTER'S *Recantation*, (referred to page
of the Conclusion,) Printed 1670. at the
end of a Book of His, called *The Life of*
Faith, after a Catalogue of Books Written and
Published by the same Author.

LET the Reader know, that whereas the
Bookfeller hath in the Catalogue of my
Books, named my [*Holy-Commonwealth,*
or Political Aphorisms] I do hereby recall
the said Book, and profess my Repentance, that
ever I published it, and that not only for some by-
passages, but in respect of the *secondary* part of the
very scope. Though the *first* Part of it, which is
the defence of *God and Reason* I recant not.

But this Revocation I make with these Proviso's,
1. That I reverse not *all the Matter* of that Book,
nor all, that more than ONE have accused ; As e.g.
the Assertion that *all Humane Powers are limited by*
God : And if I may not be pardoned for not defy-
ing DEITY and HUMANITY, I shall pre-
fer that ignominy before their present *Fastus*, and
Triumph, who defie them.

2. That I make not this Recantation to the Mili-
tary fury, and rebellious pride and tumult, against
which I wrote it ; nor would have them hence take
any encouragement for impenitence.

3. That though I dislike the *Roman* Clergies
writing so much of Politicks, and detest Ministers

meddling in State matters without necessity, or a certain call; yet I hold it not simply unbeseeming a Divine, to expound the fifth Commandment, nor to shew the dependance of humane Powers on the Divine; nor to instruct Subjects to obey with judgment, and for Conscience sake.

4. That I protest against the judgment of Posterity, and all others, that were not of the same TIME, and PLACE, as to the (mental) censure, either of the BOOK or the REVOCATION; as being ignorant of the true reasons of them both.

Which things Provided, I hereby under my hand, as much as in me lyeth, *reverse* the Book, and desire the World to take it as *non-Scriptum*.

April 15.
1670.

R. B.

ACT

ACT Anent Religion and the TEST. August 31. 1681. Made in the Third PARLIAMENT of Our Most High and Dread Sovereign, CHARLES the Second, Holden at EDINBURGH the 28 day of July 1681. By his Royal Highness JAMES Duke of Albany and York, &c. His MAJESTIES High Commissioner for holding the same, Referred to Section V.

OUR SOVERAIGNE LORD, With His Estates of Parliament Considering; That albeit by many wholsom Laws made by his Royall Grand-father, and Father, of glorious memory, and by himself, in this, and His other Parliaments, since His happy Restauration, the Protestant Religion is carefully asserted, established and secured, against Popery and Phanaticism: Yet the restless Adversaries of our Religion, doe not cease to propagat their errours, and to seduce His Majesties Subjects, from their duty to God, and Loyalty to his Vice-gerent, and to overturn the established Religion, by introducing their Superstitions, and delusions, into this Church, and Kingdom. And knowing, that nothing can more encrease the numbers and confidence of Papists, and Schismatical dissenters from the Established Church, than the supine neglect of putting in Execution the good Laws provided

provided against them, together with their hopes to insinuat themselves, into Offices, and places of trust, and publick Employment. THEREFORE, His Majesty, from His Princely and pious zeal, to maintain and preserve the true Protestant Religion, contained in the Confession of Faith, recorded in the first Parliament of King *James* the Sixth, which is founded on, and agreeable to the written word of GOD; DOETH, with advise and consent of His Estates of Parliament, Require and Command, all his Officers, Judges, and Magistrates, to put the Laws made against Popery, and Papists, Priests, Jesuits, and all persons of any other Order in the Popish Church, especially against sayers and hearers of Mass; Venders and dispersers of forbidden Books; And Resletters of Popish Priests, and excommunicat Papists: As also against all Phanatick Separatists from this National Church; Against Preachers at House, or Field-Conventicles, and the Resletters, and harbourers of Preachers, who are Intercommuned; Against disorderly Baptisms, and Marriages, and irregular Ordinations, and all other Schismaticall disorders, To full and vigorous execution, according to the Tenour of the Respective Acts of Parliament thereanent provided. And that his Majesties Princely care to have these Laws put in Execution, against those Enemies of the Protestant Religion, may the more clearly appear: HE DOETH, with advise and consent foresaid, STATUT and ORDAIN, That the Ministers of each Paroch, give up in October Yearly, to their respective Ordinaries, true and exact Lists of all Papists, and Schismatical-withdrawers from the publick Worship, in their respective Paroches; which Lists are to be subscribed by them; and that the Bishops give in

a double of the saids Lists Subscribed by them, to the respective Sheriffs, Stewards, Bailies of Royalty, and Regalitie, and Magistrats of Burghs, To the effect the said Judges may proceed against them according to Law: As also, the Sheriffs, and other Magistrats foresaids, are hereby ordained to give an account to his Majesties Privy-Council in December yearly, of their proceedings against those Papists, and Phanatical Separatists, as they will be answerable at their highest peril. And that the diligences done by the Sheriffs, Bailies of Regalities, and other Magistrats foresaids, may be the better enquired into by the Council, the Bishops of the respective Diocesses, are to send exact doubles of the Lists of the Papists, and Phanaticks, to the Clerks of Privy Council, whereby the diligences of the Sheriffs, and other Judges foresaids, may be controlled and examined. And to cut of all hopes, from Papists, and Phanaticks, of their being employed in Offices and Places of publick Trust. IT IS HEREBY STATUT and ORDAINED, that the following Oath shall be taken by all Persons in Offices, and places of publick Trust, Civil, Ecclesiastical, and Military, especially by all Members of Parliament, and all Electors of Members of Parliament, all Privy-Counsellors, Lords of Session, Members of the Exchequer, Lords of Justiciary, and all other Members of these Courts; all Officers of the Crown, and State; all Arch-Bishops and Bishops; and all Preachers and Ministers of the Gospel whatsoever; all Persons of this Kingdom, named or to be named Commissioners for the Borders; all Members of the Commission for Church Affairs; all Sheriffs, Stewards, Bailies of Royalties

Royalties and Regalities, Justices of the Peace, Officers of the Mint, Commissars and their Deputies, their Clerks and Fiscals, all Advocats and Procurators before any of these Courts, all Writers to the Signer, all Publick Nottars, and other Persons employed in Writing or Agenting; The Lyon King at Arms, Heralds, Pursuivants, and Messengers at Arms; all Collectours, Sub-collectours and Farmourers of His Majesties Customs and Excise; all Magistrats, Deans of Gild, Counsellors, and Clerks of Burghs Royall and Regality; all Deacons of Trades, and Deacon-Conveners in the said Burghs; all Masters and Doctors in Universities, Colledges, or Schools; all Chaaplains in Families, Pedagogues to Children; and all Officers and Souldiers in Armies, Forts, or Militia; and all other Persons in publick Trust or Office within this Kingdom, Who shall publickly swear, and subscribe the said Oath as follows, *viz.* The Arch-Bishops, Chief Commander of the Forces, and Officers of the Crown and State, and Counsellors, before the Secret Council: All the Lords of Session, and all Members of the Colledge of Justice, and others depending upon them, before the Session: The Lords of Justiciary, and those depending upon that Court, in the Justice Court: The Lords, and other Members of Exchequer, before the Exchequer: All Bishops, before the Arch-Bishops: All the inferior Clergy, Commissars, Masters and Doctors of Universities, and Schools, Chaaplains and Pedagogues, before the Bishops of the respective Diocesses: Sheriffs, Stewards, Bailies of Royalty and Regality, and those depending on these Jurisdictions, before these respective Courts: And Provests, Bailies and others of the Burgh, before the
Town

Town Council: All Collectors and Farmourers of the King's Customs and Excise, before the Exchequer; The Commissioners of the Borders, before the Privy Council; All Justices of Peace, before their Conveener; And the Officers of the Mint, before the General of the Mint; And the Officers of the Forces, before the Commander in Chief; and common Souldiers, before their respective Officers; The Lyon, before the Privy Council; and Heraulds, Pursevants and Messengers at Arms, before the Lyon. And His Majesty, with consent foresaid, STATUTS and ORDAINS, that all those who presently possess, or enjoy any of the foresaid Offices, publick Trusts, or Employments, shall take and subscribe the following Oath, in one of the foresaid Offices, in manner before prescribed, betwixt and the first of January next, which is to be recorded in the Registers of the respective Courts, and Extracts thereof under the Clerks hands, to be reported to His Majesties Privy Council, betwixt and the first of March next, One thousand six hundred eighty two, and thereafter in any other Courts, whereof they are Judges or Members, the first time they shall sit, or exerce in any of these respective Courts: AND ORDAINS, that all who shall hereafter be promoted to, or imployed in any of the foresaid Offices, Trusts, or Employments, shall at their entry into, and before their exercising thereof, take and subscribe the said Oath, in manner foresaid, to be recorded in the Registers of the respective Courts, and reported to His Majesties Privy Council, within the space of forty dayes after their taking the same: And if any shall presume to exercise any of the said Offices, or Employments, or any publick Office, or Trust,

Trust, within this Kingdom, (the King's lawful Brothers and Sons only excepted) until they take the Oath foresaid, and subscribe it, to be recorded in the Registers of the respective Courts, They shall be declared incapable of all publick Trust thereafter, and be further punished with the loss of their Moveables, and Liferent-Escheat, the one half whereof to be given to the Informer, and the other half to belong to His Majesty. And His Majesty, with Advice foresaid, recommends to His Privy Council to see this Act put to due and vigorous Execution.

Follows

Follows the Tenour of the OATH
to be taken by all Persons in Pub-
lick Trust.

I A. B. Solemnly swear in presence of the Eter-
nal God, whom I invocat as Judge, and Wit-
ness of my sincere intention of this my Oath,
That I own, and sincerely profess the true Prote-
stant Religion, contained in the Confession of
Faith, recorded in the first Parliament of King
James the Sixth; and that I believe the same to be
founded on, and agreeable to the Written Word of
God. And I promise and swear, that I shall ad-
here thereto, during all the dayes of my lifetime,
and shall endeavour to educat my Children therein:
and shall never consent to any change, or alteration
contrary thereto: And that I disown, and renounce
all such Principles, Doctrines, or Practises, whe-
ther Popish, or Phanatical, which are contrary
unto, and inconsistent with the said Protestant
Religion, and Confession of Faith. And for
testification of my Obedience to my most Gracious So-
veraign CHARLES the Second, I do affirm,
(d *) and

and swear, by this my solemn Oath, That the King's Majesty, is the only Supreme Governour of this Realm, over all Persons, and in all Causes, as well Ecclesiastical as Civil; And that no forraign Prince, Person, Pope, Prelate, State, or Potentat, hath or ought to have any Jurisdiction, Power, Superioritie, Prebeminencie or Authoritie Ecclesiastical or Civil, within this Realm. And therefore I do utterly renounce, and forsake all Forraign Jurisdctions, Powers, Superiorities and Authorities, And do promise, that from henceforth, I shall bear Faith and true Allegiance to the King's Majesty, His Heirs and Lawful Successours. And to my Power shall assist and defend, all Rights, Jurisdctions, Prerogatives, Priviledges, Prebeminencies, and Authorities belonging to the King's Majesty, His Heirs and Lawful Successours. And I farther affirm and swear by this my solemn Oath, That I Judge it unlawful for Subjects, upon pretence of Reformation, or any other pretence whatsoever, To enter into Covenants or Leagues, or to convocat, conveen, or assemble in any Councils, Conventions, or Assemblies, to treat, consult, or determine, in any matter of State, Civil or Ecclesiastick, without His Majestie's special command, or exprefs licence had thereto, or to take up arms against the King, or those commissioned by Him: And that I shall never so rise in Arms, or
enter

enter into such Covenant, or Assemblies: And that there lies no Obligation on me from the National Covenant, or the Solemn League and Covenant (so commonly called) or any other manner of way whatsoever, to endeavour any change or alteration in the Government, either in Church or State, as it is now established by the Laws of this Kingdom. And I promise and swear, that I shall with my utmost power, defend, assist, and maintain, His Majestie's Jurisdiction foresaid against all deadly: And I shall never decline His Majestie's Power and Jurisdictions, As I shall answer to God. And finally, I affirm, and swear, that this my solemn Oath, is given in the plain, genuine sense and meaning of the words, without any equivocation, mental reservation, or any manner of evasion whatsoever; And that I shall not accept, or use, any dispensation from any Creature whatsoever. So help me God.

FINIS.

THere are several Treatises of the
same Right Reverend Author,
written upon several occasions, con-
cerning the Church of *Rome* and
most of the Doctrines in Controver-
sie betwixt us.

Printed for Joanna Brome.

